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„An examination of Political Prepotency: Power, Identity and  
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# **Abstract**

The thesis explores the dominance of the State in India over competing hierarchies of power since its Independence. The thesis employs the disciplines of History, Political Science and Law to demonstrate that India's founding mythology and its corresponding effects on personal identities have been successfully instrumentalized by the State and its Institutions. The metaphor of prepotency in genetics is deployed in the thesis in order to represent the processes of criminalization, delegitimization and assimilation that has resulted in such a dominance going unchallenged. Such is explored through comparing sources describing membership within those hierarchies and the legacies of venerated figures within these hierarchies. The thesis thus weighs these disparate challenges to the legitimacy of the State to its enduring hegemony.

Die Arbeit untersucht die Dominanz des Staates in Indien über konkurrierende Machthierarchien seit der Unabhängigkeit des Landes. Die Arbeit bedient sich der Disziplinen Geschichte, Politikwissenschaft und Recht, um zu zeigen, dass die Gründungsmythologie Indiens und ihre entsprechenden Auswirkungen auf die persönliche Identität vom Staat und seinen Institutionen erfolgreich instrumentalisiert wurden. Die Metapher der Präpotenz in der Genetik wird in dieser Arbeit verwendet, um die Prozesse der Kriminalisierung, Delegitimierung und Assimilierung darzustellen, die dazu geführt haben, dass eine solche Dominanz unangefochten bleibt. Dies wird durch den Vergleich von Quellen untersucht, die die Zugehörigkeit zu diesen Hierarchien und die Hinterlassenschaften verehrter Figuren innerhalb dieser Hierarchien beschreiben. Die Dissertation wägt somit diese unterschiedlichen Herausforderungen an die Legitimität des Staates und seine anhaltende Hegemonie ab.

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This thesis is the culmination of a yearlong inquest into the Researcher's diverse and often chaotic interests. Throughout this journey the most influential and invaluable avenue of inputs has always come from my supervisor, Professor Thomas Row. His incisive but insightful process of approaching such an academic undertaking have been of tremendous help from the very first Mind map all the way to the final sparring over the Abstract. I cannot be more thankful for his persistent and patient guidance in due course of this Thesis.

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The beginnings of my interest in Interdisciplinarity of history, political science and law bloomed by efforts of numerous faculty during my School and Undergraduate years. While I would be remiss to not thank Professor Markus Kornprobst, Ms Shilpi Roy Chowdhury, Mrs Kakoli Guha and Ms Indraani Banerjee, there are so many memorable moments I have shared bothering so many of my educators, to whom I will remain forever grateful.

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# Introduction

Any research enquiry into studying legitimacy in a historical and political sense often ends up unintentionally framing the limits of its subjects, resulting in research findings wildly challenging, disproving or delineating existing dimensions of politico-legal orders of the present and past. The Researcher herein shall refrain from making such grandiose claims in due course of the study, even if this analysis shall test very thoroughly the complicity of scholarship in supporting both the mainstream and the fringe nature of criticism into subjects of political legitimacy, criminality and the nature of organizations bearing the capacity of exercising power akin to a State<sup>1</sup>. Such is a manifold outcome of the Researchers own interest in the confluence of academic language and research with the domain of ontology and hermeneutics, and the inevitable response of dread or awe that is elicited when such language is deployed.

Such is very deliberate given the influence of the discipline of Subaltern studies upon the core tenet of this work, and while the Researcher echoes Spivak's sentiments on how "The mainstream has never run clean"<sup>2</sup>, through this work, there shall be an attempt to examine and reflect through the works and narratives of academic records just *how* the State, in particular the Indian State, is able to wield and transmit power across generations of citizens in comparison to an array of emergent, malignant or synergistic class of organizations which attempt to wrest some power or control away from the State. However, it is critical to explore the foundations and limitations of this research prior to any arguments lending weight, as the necessities of an interdisciplinary study would warrant the need to flag out the academic burdens adopted by the Researcher.

A study of political history is often predicated around the correlation of peoples and their political units leading up to the emergent International State system, with

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<sup>1</sup> Caron E. Gentry "Epistemic Bias: Legitimate Authority and Politically Violent Nonstate Actors." In *The Future of Just War: New Critical Essays*, Herausgeber: Caron E. Gentry and Amy E. Eckert. Georgia: University of Georgia Press, 2014.

<sup>2</sup> Gayatri Chakravorty Spivak. "Can the Subaltern Speak?" in *Reflections on the History of an Idea*, 1988.

the actors of this system being fundamentally tethered to the relationship between State actors in the evolution of the modern *status quo*<sup>3</sup>. The fundamental premise of this research is to unravel this centrality proffered to the Nation-State centric examination of modern history, through the deployment of the allegory of ‘Political Prepotency’ exploring the dominance of the State over other forms of power. The nature of this allegory shall be explained subsequently but it is sufficient to assert that it aims to be a *descriptive* analysis of the interaction between the concept of the Indian State compared to other archetypes of power structures; and the process by which, in a domestic sense, the Indian state is predominant over all other strands of power, as explored through textual sources.

Such an analysis shall be tethered to the study of three ostensibly distinct categories of non-state hierarchies of power and authority, namely Bandits, Rebels and Non-State Actors. The focal point of examination shall be their relegation below States in terms of their founding mythology, membership of their participants. The attribution of criminality<sup>4</sup> upon these groups<sup>5</sup> regarding studies and works about “their place” in history and political science shall also be critically examined. Such will highlight the nature of political prepotency in the selected region, highlighting how some groups have an enduring legacy of defiance which transcend the avenues granted by centralized States or regional governments by examining individuals, organizations, and “movements”<sup>6</sup>. The “inevitability”<sup>7</sup> of the State shall also be examined relative to its quashing of other paradigms of political organization and power, in particular those types of power which were deemed “illegal” or substantially *ultra vires* the scope of permissible political expression.

Such is critical in the context of India, a region whose transition from Medieval models of Statehood into Nation-States was inexorably tied to colonialism and all the

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<sup>3</sup> Tom C. Holt “Thinking Historically: Narrative, Imagination, and Understanding” College Entrance Examination Board, 1990, 10-11.

<sup>4</sup> Caron E Gentry. “Epistemic Bias: Legitimate Authority and Politically Violent Nonstate Actors”. In *The Future of Just War: New Critical Essays*, edited by Caron E. Gentry and Amy E. Eckert. Georgia: University of Georgia Press, 2014.

<sup>5</sup> Cynthia Talbot “Inscribing the Other, Inscribing the Self: Hindu-Muslim Identities in Pre-Colonial India” *Comparative Studies in Society and History*, Volume 37, Number 4, Cambridge University Press, 1995.

<sup>6</sup> Poulomi Banerjee. “Why Chambals dacoits didn't ride into the Sunset” *Hindustan Times*, 2017.

<sup>7</sup> Henri J. M. Claessen “Was the State Inevitable.” *Social Evolution & History* 1, 2002.

quirks observed therein. From corporate “industrial capitalism” to the formal adaptation of the British colonial rule and its irreparable impact on regional politics, there are many factors which lead to a persistent contest of legitimacy of State power in the region. Analysing these unique conditions, including the teleological limits of “Government” vis-à-vis analysis of the campaigns against bandits, secessionists and other miscellaneous regional tensions shall help in characterizing the expression of the dominance of the State. Such shall transpire through the domains of examining the way sources describe, in a representative sense, the political process of Indian statehood in the 20<sup>th</sup> Century, the Legitimacy of the Indian State in the 20<sup>th</sup> and 21<sup>st</sup> Centuries and the comparatives to Max Weber’s concepts of the State Monopoly on Violence within the Indian context.

These analyses become important when making inferences about the International State systems, as the contested nature of the identity of certain groups of individuals (and the agency accorded to them through scholarly works) are often impacted by whether their organizations and methods are viewed as attempts at instituting a “new state” [e.g. Maoists]<sup>8</sup> ; or whether they are viewed as transitive groups exploiting socio-economic circumstances, with an “inevitable doom” forcing their destruction or integration into a State [e.g. Naga separatists, Chambalghati dacoits and bandits]<sup>9</sup>. The novelty of these analyses in this research examines the dynamics of legality of political power exercised by (essentially) subtypes of criminals and criminal organizations; and how this categorization maps onto the hagiographies and founding myths of the members of such organizations. This allows for comparisons between the process of “membership” to such organizations, and the sources exploring what it means to be an Indian Citizen as against being a Maoist Rebel or an outlaw (bandit or smuggler) uniting against the State.

The dimensions of power being studied have to be limited to remain within the scope of this research, as there are numerous avenues of similarity and difference, and it is this endless comparison of what is central and peripheral that potentially

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<sup>8</sup> Haridwar Rai and K.M. Prasad “Naxalism: A Challenge to The Proposition of Peaceful Transition to Socialism.” *The Indian Journal of Political Science* 33, No. 4, 1972.

<sup>9</sup> Ritesh Mishra. “Betrayal, caste haunt village where Paan Singh Tomar was killed.” *Hindustan Times* 2015.

leads to comparatives which Nietzsche would decry as the property of “the Spoiled Loafer in the Garden of Knowledge.” To that end, Power shall be examined in line with the characterization of Max Weber’s precept of a state<sup>10</sup> as comprising of two elements, the mythology and historicity behind the foundation of the power structure (how the entity or hierarchy in question came to exist), and the nature of membership within the power structure (how one identifies as a member of one group as relative to others). Such dimensions are to accommodate the limited doctrinal nature of this study and the difficulty in accessing primary source material from members of dissident groups that would meet academic evidentiary standards. However, the academic foundations for such a bifurcation arise from Foucault’s remarks on power as a “regime of truth”<sup>11</sup>, and examines legitimacy of power through the way it is performed rather than how it is possessed<sup>12</sup>, namely through the categories of the founding myths and membership.

Thus, to understand all these classes of power structures generally within this region, and its implications on the International State system; warrants an in-depth study of the position of authors and historians in being able to define, vilify and differentiate the deviant from the norm. The Researcher posits caution in being willing to accept the natural domination of States as supreme centralized actors in course of this examination, examining the diachronic change of language<sup>13</sup> regarding “history”, “criminality” and “legitimacy”. Such allows the author in being able to compare an array of sources about social phenomena and the incremental growth of centralized hierarchies of power. This is useful to the central thesis as it helps demonstrate the “success” of the Indian State in remaining, by and large<sup>14</sup>, as well as the stubborn persistence of different competing strands of power despite efforts to clamp down and delegitimize them.

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<sup>10</sup> M. E. Warren “Max Weber’s Nietzschean conception of power”. *History of the Human Sciences*, 5(3), 1991 <https://doi.org/10.1177/095269519200500303>

<sup>11</sup> Michel Foucault. “Discipline and Punish: The Birth of the Prison.” Alan Sheridan (translator) Penguin, 1977. First published in French as “Surveiller et Punir”, Gallimard, Paris, 1975.

<sup>12</sup> *Id*

<sup>13</sup> P Swiggers. “Diachrony” Vol. 94 (3/4). *Neuphilologische Mitteilungen*, 1999.

<sup>14</sup> D Kumar, B Pratap, and A Aggarwal. “Public trust in state governments in India: Who are more confident and what makes them confident about the government?” *Asian Journal of Comparative Politics*, Volume 6(2), 2021.



Subsequently, the allegorical instrument used by this research relies upon the study of Prepotency, a concept typically associated with genetics as it pertains to the likelihood of heritability of certain genetic traits being greater for one parent compared to the other<sup>15</sup>, as well as more homozygous and epistatic characteristics. In essence, there is an observable likelihood within the domain of genetics wherein one set of genes is more likely to supersede its paired set of inherited genes between parents; either due to its intrinsic characteristics making it more predominant, or being identically found in the other parent (homozygous) requiring no competition for predominance, or even blending better with other genes to makes the total potency of that combination of genes more dominant than the other “competing” set of genes.

This process is also imputed as “beneficial” in an evolutionary sense, allowing “better” genes to be more transmissible across generations, all helping natural speciation, adaptation and other evolutionary processes to occur.<sup>16</sup> The term used in the field of genetics for the genes involved in such behaviour are Alleles, which are, a set or pair of the same sequence of DNA found within a particular locus, typically observed as the set of identical pairs of genetic strands inherited by all living beings following sexual reproduction involving two (or more) organisms. The use of alleles are in furtherance of the Prepotency metaphor, as through comparing the power structures of the State and the other subclasses of entities in Chapter two, the dominance and transmissibility of the State shall be examined in the final chapter.

Consequently, applying this analogy to a study on historiography and political science, while initially far-fetched, is more in line with contemporaneous psychological research into the nature of electoral and political subjects on thinking and cognitive patterns. The relevance of prepotency is further highlighted due to the subsequently explored interorganizational relations between the State and all the aforementioned categories of organizations. However, at this very juncture it must be iterated that the process of State Predominance, or its *prepotency* is never challenged in this thesis, but instead its process of becoming prepotent, namely through a mix of

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<sup>15</sup> American Psychological Association. “APA Dictionary of Psychology. 2007

<sup>16</sup> *Id*

delegitimization and subsumption of the merits of other competing power hierarchies.

This research is presented as an Interdisciplinary, Doctrinal and Analytical text which applies Qualitative research methodology to make inferences through an array of existing literature in the fields of History, Historiography, Law, Political Science, Economic History, Linguistics, and other allied social sciences. Such is influenced by the Researcher's participation within the MAIS program involving such interdisciplinarity as well as the Researcher's own background as a student being educated in law and other allied social sciences. The general disciplinary approach follows the direction adapted by "Subaltern Studies" in South Asia due to the Postcolonial framework and the interdisciplinary dimensions of the study. Accordingly, this research is also Doctrinal due to its reliance on literary sources and it being Analytical in nature.

This research is also Analytical as it aims to use the existing academic groundwork in the fields of History, Historiography, Law, Political Science, Economic History as well as Linguistics; and does not posit a novel postulate by itself. Therefore, no new model or hypothecation is being submitted beyond an implicit desire to induce an interdisciplinary lens over the relationships between the evolution of the power of the State and the existence of distinct socio-legal hierarchies of entities existing within. To that end, the first chapter shall explore the State in relation to the dimensions of power selected and examine just how the scholars view the identity of the State.

This is important not only to establish the baseline of legitimacy and political enfranchisement, but also to identify the fluctuations within the dimensions of legitimacy caused by political changes within them. All of this is to delineate the legitimacy of the State through which the Second chapter shall be explored wherein the disparate competing elements of power hierarchies shall be identified in a similar manner through selected sources. Finally, the last chapter shall explore the heritability of each of these power structures in order to examine why the State becomes prepotent.

# Chapter 1: The First Allele

To identify what constitutes the State of India within the two categories established earlier, the author is reminded of analyses on nations as “imagined communities”<sup>17</sup> being a central facet of critical perspectives into nationalism and its narratives within different domains. It is evident that the legal fictions of what constitutes “national identities” as centripetal narratives all create these shared identities through numerous references to struggles, historical epochs and events that are attributed as “shared” between communities formed by other (often equally imagined) metrics. Such a process wrestles with the being the new “master narrative” with so many other processes and models of nationalism, especially in the present age where there is an indisputable<sup>18</sup> resurgence of contemporary populist revisions of nationalism across the world<sup>19</sup>.

At the very onset of this chapter, the Writer is cynical about having to consciously “weigh in” on the processes of the construction of history, questions of whether history is constructed, or indeed whether some events history act as “glue”<sup>20</sup> or gloss over schisms of the past. Such mainly due to the departure between this philosophical examination of history, its causes and sources; and the real and often tragic consequences of what is considered “history” on various peoples is not given sufficient focus. Capturing such consequences is an ongoing struggle that journalists, social scientists and historians currently engage in; with many eminent scholars being heralded as pioneers or resisters, depending on which school of thought one examines.

Such cynicism efforts to alter the historicity of events in the past by various political and academic actors in order to cast a Hindu historical materialist frame

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<sup>17</sup> Benedict R Anderson. “Imagined Communities: Reflections on the Origin and Spread of Nationalism” Rev. ed. London: Verso, 2016.

<sup>18</sup> Pew Research Center. “Religion in India: Tolerance and Segregation” 2021.

<sup>19</sup> Florian Bieber. “Global Nationalism in Times of the COVID-19 Pandemic.” *Nationalities Papers* 50, no. 1. 2022

<sup>20</sup> Anderson, *supra* note 17

over the past.<sup>21</sup> Setting aside the ideological framing and personal misgivings around the same; the mechanisms of presentation of historical evidence in what constitutes the modern political history of Post Independent India themselves are now disparaged and discussed in order to frame political rivalries as battles against ontologically evil enemies.<sup>22</sup> More alarming is the blatant use of censorial policies and deepening partisan divides in order to permanently reshape the way history has been engaged with the saffron elephant in the room trampling all other means of engagement with the past or critiquing the present.

Nevertheless, this study shall avoid imposing value judgements, not to avoid any controversy but because the ultimate end of the currents state of flux is unclear, and the concern of this chapter is more directed towards identifying how this aforementioned recharacterization likely affects the sort of legitimacy identified herein. Such avoids the all too common problem of historiography attempting to provide counterfactuals to narratives by implying causality from different sources and events.<sup>23</sup> While this shall be explored more in the second chapter, works like the seminal “Annihilation of Caste”<sup>24</sup> have yet to substantially challenge the dominant narratives of the Indian freedom movement, the alleged socio-communal dynamics of the past and even the post-Independence political undercurrents. Such is not a rejection of the importance of such works or the complexity in unravelling entrenched stereotypes from collective memories<sup>25</sup>, but instead an attempt to diversify the strategy of examining events and narratives to reflect what is overt and covert in order to demystify the historicity of legitimacy in the Indian State.

Therefore, the impetus of this chapter is examining the complex, “quasi-federal”<sup>26</sup> processes of centralization and regional development and what such has meant for the way Indian historians and inputs from the public reflecting their views

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<sup>21</sup> Rupam Jain and Tom Lasseter. “By rewriting history, Hindu nationalists aim to assert their dominance over India” Reuters 2018

<sup>22</sup> Pew Research Center, *supra* note 18

<sup>23</sup> Bhimrao Ramji Ambedkar “Annihilation of Caste : an Undelivered Speech.” Arnold Publishers, 1990.

<sup>24</sup> *Id*

<sup>25</sup> Hannah Ellis Petersen. “Indian government accused of rewriting history after edits to schoolbooks” The Guardian 2023

<sup>26</sup> Deva Zaid. “Why the Jammu & Kashmir Constituent Assembly Debates Matter” Law and Other Things. 2021

have engaged with historical events and given meaning to them. As such, this chapter seeks to trace and contest this attribution of development and politics in order to make meaningful analyses about the relationship between politics, criminality and power subsequently. The process by which this chapter shall attempt to lay foundations for examining political prepotency is to outline the events and sources which confers credibility to the Indian state, in a sense, and generally looking at what the zeitgeist allegedly encompasses.

Even a cursory glance into scholarship examining the foundations of the Indian State reflects the broad spectrum of peoples, organizations and struggles that coalesced into one political entity in the mid-20<sup>th</sup> Century; which lends to the complexity of answering what the founding mythology of the State includes or excludes. The political history of Centralization in India from the early periods of the unification of India from the British dominion includes the processes of cooperation<sup>27</sup>, compromise<sup>28</sup> and conflict<sup>29</sup>, with lingering chapters of the political unification remaining incomplete as late as 1970 with the ousting of the Portuguese in Goa. The process certainly neither linear nor peaceful, as reflected by the early deployment of the armed forces in Hyderabad and Mizoram and the tripartite territorial tug-of-war over Kashmir. As such, scholars examining public trust<sup>30</sup> are often curious about the endurance of the idea of the Indian State.

By and large any substantial challenge to the legitimacy of the Indian Union was rebuffed by the multitudes of governments that have occupied national politics, even if confidence in the State is challenged by instances of institutional failure<sup>31</sup> or the reneging by the Union on agreements, a process which continues to impede good faith integration to the present day.<sup>32</sup> To date, there are several political aspirations of

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<sup>27</sup> Ravindra Pratap Singh. "Geography and Politics in Central India: A Case Study of Erstwhile Indore State" Concept Publishing Company, 1987, 501.

<sup>28</sup> Government of India "Instrument of Accession of Jammu and Kashmir State" [centralexcisehyderabad4.gov.in](http://centralexcisehyderabad4.gov.in), 1947

<sup>29</sup> S.K Sharma. "Lessons from Mizoram Insurgency and Peace Accord 1986" Vivekananda International Foundation, 2016.

<sup>30</sup> J Dunn. "The concept of 'trust' in the politics of John Locke". In *Philosophy in History* edited by Rorty R, Schneewind JB, Skinner Q Cambridge University Press, 1984.

<sup>31</sup> V. N. Singh "Naxalism: A Great Menace" Prashant Publication House Delhi, 2010.

<sup>32</sup> The BBC. "Article 370: What happened with Kashmir and why it matters" 2019. <https://www.bbc.com/news/world-asia-india-49234708>

separatism that continue to crop up sporadically<sup>33</sup>, but by and large there remains a broad acceptance in the existence and capacity of the Indian State, especially in the contemporary era of politics wherein the traumatic global pandemic still has yet to shake much of the public trust in the State<sup>34</sup>.

However, what is now contested is this process of synthesizing the Indian Union, as well as the role of “Secularism”<sup>35</sup> in the process of arriving at “India” within this process. While this shall be examined subsequently, it is crucial to establish that the concept of the Indian State does not map neatly onto existing political structures in the Pre-19<sup>th</sup> Century periods, and the debates over the “Indian-ness” of various Medieval and Enlightenment-Era political units shall not be delved into, mainly in the interest of brevity, and also to avoid drawing false causalities from history in order to make materialist claims.<sup>36</sup> Furthermore, there are endless arguments which may be found and supported to label a kingdom or dynasty as “Indian” spanning from the Mauryans to the Marathas, and each have their own counterarguments decrying their rule as oppressive, unsuitable and even culturally traumatic<sup>37</sup>.

Ultimately, it is more useful to examine the evolution of India as the synergy between the series of freedom movements against the British dominion culminating in the work of the Constituent Assembly in 1950. Such a period serves as a very stable archetype of a Founding mythology due to the wide variety of events, movements and “great men” to serve as proof of its antiquity, as well as of certain abstractions representing what “India” came to be as a sovereign State deemed worthy of self-governance and representing the “imagined community” of all its peoples. Indeed, the most prominent figures of the movement like MK “Mahatma” Gandhi, Jawaharlal Nehru, Sardar Patel, Netaji SC Bose or Bhimrao Ambedkar (to

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<sup>33</sup> Rhea Mogul. “Khalistan: The outlawed Sikh separatist movement that has Indian authorities on edge” CNN, 2023.

<sup>34</sup> Kumar, Pratap and Aggarwal *supra* note 14

<sup>35</sup> Sheetal Thakur. “Historical Evolution of the Concept of Secularism In India” Law Audience Journal, Volume 4, Issue 3, e-ISSN: 2581-6705, 2022.

<sup>36</sup> Walter Benjamin “The Correspondence of Walter Benjamin, 1910–1940” Gershom Scholem and, Theodor W Adorno (eds.), Manfred Jacobson and Evelyn Jacobson (trls.) University of Chicago Press 1994

<sup>37</sup> Soumyaseema Mandal. “The story behind the lullaby: Maratha invasions in Bengal” Times of India, 2020.

name a woeful few); all have been employed by historians and politicians as architects of much of the modern mythology as leaders of the freedom movement and even the very shapers of Indian Polity.

Such a foundation already reflects a major point of contention in the absence of numerous actors and social causes who did not receive the mainstreaming that their peers did. In fact, such has always been a perpetual problem in the Indian subcontinent and the works of historians, who in the effort to weave a coherent linear narrative have often felt compelled to revert back to using some strands of diversity as representative of variance but largely characterizing socio-political phenomena as products of the efforts of a certain few “elites” or larger than life personas.<sup>38</sup> This is observable even in other periods of history, in fact struggles against the British Imperialist regimes tend to revert to Carlyle’s “Great man” history<sup>39</sup>, an occurrence which has undoubtedly shaken the confidence of many cultural and ethnic groups who have more often than not seen their role within these processes unrepresented. Such will be explored subsequently, but warrants mentioning here in order to explain how, regardless of how fickle the public’s purviews can be in regard to the specifics of the founding myths of the Indian State after 75 years of Independence<sup>40</sup>; that there is still largely a consensus on *who* received credit and for representing and performing *what* roles.

Again, all this is largely supported by the persistence of such figures and characters in educational textbooks issued by the various governments over the years, in the nature of press coverage and studies like the YUGOV-MINT-CPR Millennial Survey; all seeking to collect responses from varying sample groups and imputing the narratives most commonly taught within public education systems, at least the English language ones. Nonetheless, such overarching narratives and figures continue to dominate the understanding of the esoteric and principled fabric of the Indian State.

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<sup>38</sup> Darshan Perusek. “Subaltern Consciousness and Historiography of Indian Rebellion of 1857.” Economic and Political Weekly, 1993

<sup>39</sup> *Id*

<sup>40</sup> Rahul Verma. “India@75 survey: Patel, Bose seen as unsung; Nehru, Gandhi as over-credited” Mint 2022

The figures of Gandhi or Nehru, notwithstanding their contemporary disfavour with the Hindutva re-interpretation (or revision, depending on charitability) of history, still are viewed as the leaders if not the total architects of India; as is the legitimacy of the Constitution maintained through the records of the Constituent Assembly<sup>41</sup>, which in turn confers the weight of legality and the implicit privilege of the Rule of Law upon any institution, personnel or public servant. Interestingly, all these icons, persons and ideals that sources draw attention do were not referential to a period of history of greatness, but in fact the aspirational process<sup>42</sup> of attaining sovereignty that this period witnessed. The history of Indian nationalism, in the opinion of the Researcher is presented as *prospective* by its primary sources; implying that most of its so-called architects desired to move *towards* a State which was a “sovereign”, “secular”, “democratic”, “republic” (and, controversially, “socialist”) as aptly written in the Preamble to the Constitution and littered across writings and translations made from a huge majority of such “great men”.

It must be reiterated that this “master-narrative” is demonstrably tenuous and is currently being subjected to tectonic shifts in positions, in particular the increasing importance of religiosity as integral to being an Indian<sup>43</sup> as well as the legacy of such religio-nationalism like Savarkar. The ramifications of such shifts shall be explored more in chapter 3, but it is still important to remember that such paradigm shifts only really juxtapose some figures and character within the major linear “recollection” of the near past with existing ones; and therefore it is this very mythology, namely of a diverse array of political figures heralding movements, largely following Gandhian Principles of Non Violence through *Satyagraha*; all leading the push against the oppressive others (the British Dominion and its figures). Therefore, efforts to recharacterize Indian-ness through the erosion of secularism, for example, are not rejections of the totality of the Indian heritage but claims that such theocratic roots existed “all along” and are being brought to the forefront. This behaviour will be better examined in the next two chapters.

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<sup>41</sup> Constitutional Culture team at the Centre for Law and Policy Research, Bangalore. Constitution of India. 2015. <https://www.constitutionofindia.net>.

<sup>42</sup> Anne Twomey. “Aspirational Nationalism or Opportunistic Federalism.” 2007.

<sup>43</sup> Pew Research Center *supra* note 18





*The Hosting of a “Black Day” to commemorate Mahatma Gandhi’s 150<sup>th</sup> Birth Anniversary by members of the Bhartiya Janta Party (BJP) and the Rashtriya Swayamsevak Sena (RSS). (Photo by Kashif Kakvi)<sup>44</sup>*

Such individuals under the umbrella of the Indian Congress Party are then credited in unifying the disparate princely states and dominions and coalescing various actors into forming the Constituent Assembly, officially carrying over sovereign decision making powers from the colonial state. This formed the largely diverse, sovereign, democratic republic based on secular ideals as opposed to the theocratic democratic foundations of the Partition. Naturally, given those aforesaid foundations, many underlying problems emerge stemming from the emergent Nation-State models given the shared heritage of Colonialist exploitation between all the constituted countries. This is gleaned through the records of resistance to British

<sup>44</sup> Kashif Kakvi. “BJP RSS workers observe ‘black day’ on Gandhi Jayanti in MP’s Chhatarpur, booked by police” National Herald 2020

Imperial Institutions as well as the post-Independence struggles of centralization and separatism.

Centuries of disparate monarchical, clan-based feudal fiefdoms co-existing with colonial governments have resulted in the observation of alternate paradigms of power that peoples in this region have opted to support (or oppose). Therefore, once this founding mythology is setup, with its own “great men” and some room for ethnic and social communities to identify their members of the early political leadership; it is worthwhile examining how being an Indian citizen directly corresponds to the process of Prepotency. Such a blend of entities, with varying levels of Prepotency and with mixed legacies, all have impacted the politics and the perception of national histories and foundation myths for citizens in many countries in this region and remain a fixture of politics and research<sup>45</sup>. Therefore, Political legitimacy becomes such a crucial distinction between those actors that achieved compromise versus those that didn’t, and looking at comparisons between case studies there arise many questions about the differences in composition, *modus operandi* and foundational myths between them.

Interestingly, historians have often explored federalist divisions within a State as non-separatist outlets for inter-community mobilization<sup>46</sup> which overall build an inherent resistance against hostility towards the greater “imagined community”. Perhaps that too has contributed to the lack of sustainable pan-territorial separatism in India, with the instances of Kashmir, Punjab, Mizoram and Nagaland being dwarfed by the far more visible and recorded histories of inter-regional identities and territorial lines being drawn and redrawn. With almost 50 potential political entities as of 2022<sup>47</sup> if all regional demands are met, the continuity of the Indian state amongst its people is far less challenged keeping in mind the aforementioned founding mythology, with a greater propensity of internal fragmentation on ethnic lines rather than a categorical challenge to the more “macro” identity.

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<sup>45</sup> Spivak *supra* note 2

<sup>46</sup> Jürgen Osterhammel. “The Transformation of the World: A Global History of the Nineteenth Century”. Princeton University Press (editor). 2014.

<sup>47</sup> Press Trust of India. “India may have 50 states if all demands are conceded” 2018.



*Protest demanding “Bodoland”, one of many regions seeking regional self-determinism within the Union.<sup>48</sup> (Photo by Partha Prawl)*

It is easier, therefore, for an average Indian to understand that their subscription to this collective identity does not necessarily contradict their other competing vectors that comprise their identity. The use of history in such a manner extends to the prescriptive elements of being an India, namely complying with laws issued by such competent entities, demonstrating respect to symbology and operating within legally defined metrics with other members in various economic and cultural activities, while also acquiring the “right” to be a member through measures that satisfy the laws of Citizenship. Nothing stated in this paragraph is necessarily new or revolutionary, but is nonetheless mentioned aloud to demonstrate more effectively in the subsequent chapter how such a notion of citizenship or membership to the Indian community falls apart.

Finally, while this chapter does really serve as a mere point of reference for the analysis of the so-called competing “alleles” of the metaphor, it cannot be

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<sup>48</sup> Partha Prawl. “Decoding Statehood Demands” Magzter 2017

underscored that the process of synthesizing the Indian State underwent centuries of colonial oppression and the traumatic experiences of millions over the Partition. This essentialist breakdown is not to cheapen the value or the meaning people associate with the notion of being an Indian. The Researcher themselves remains firm in the conviction that the model of the Indian State as described above is not inherently reducible to the elements described herein, but are relevant to explain why the mythology of history and the nature of membership to the identity of being Indian is more easily transmissible notwithstanding several counterfactuals and challenges against such an identity.

## Chapter 2: The Competing Alleles

At the end of chapter one, in addition to all the caveats and considerations made by the Researcher, the burden of proof of this chapter seems to be quite natural, namely being just demonstrating how the rose-tinted national mythology, in the dimensions thus imposed upon it by the Researcher, have not actually been met. While that is essentially the core premise of this chapter, there is a far greater curiosity that the Researcher has on the *types* of entities and organizations that scholars in different domains of history and political science consider *capable* of bearing the powers that are typically associated to States.

The central theme of this chapter is to examine the implications attributed to different types of entities which appear to conflict with State power, the narratives of Nation-building or other phenomena which States use as the justification to decry the discharge of power by these other types of entities. Just as with anything related to Indian history and polity, it is impossible to concisely cover the nature of opposition to the legitimacy of the Indian State. By and large there are two obvious categories of entities that resist the master narrative so described above, and one which is not typically examined as a form of resistance.

The first are the conscientious opposers, who typically manifest themselves as scholars or political activists who reject these monolithic narratives of India as an emergent, just and legal paradigm of power. Examples of such objectors are those who criticize the abhorrent legacy of patriarchal domination or casteism<sup>49</sup> as instruments of suppression and disenfranchisement which persist in many forms in modern India. They shall be explored briefly, not due to their lack of importance but because of the inability of the Researcher in being able to confine their salient criticisms of Indian history and Polity to the dimensions of this study, not without gravely understating their positions.

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<sup>49</sup> Ambedkar *supra* note 23

What the Researcher is more concerned about is whether such movements can compare to the State in regard to bearing legitimacy, and to that end there is certainly much to be said about the outcomes sought and achieved by lawful, conscientious opposition to the *status quo* in India. Movements like *Shaheen Bagh* or the *Narmada Bachao* have often spiralled into intersectional social causes which affect public policy, social opinions and create, contest or reclaim great figures and historical events in pursuit of certain goals. Such movements operate even without specific leadership<sup>50</sup> and prevent the usual use of instrumentalities of law in order to curb them, and directly challenge both the reality and historicity of issues as narrated by the State, as well as the implications such has on the citizens who do not also endorse such causes. They are therefore equally capable of having legitimacy in the sense that this thesis sets out, and are therefore a very important category of hierarchies to examine.

Such groups necessarily comply with the moral and legal standards of the systems they exist within, as they seek to challenge issues like discrimination, the lack of representation of one community or demographic group, or relevant socio-economic issues faced amongst communities. Their means of expression are usually centred around specifics that are relevant to the members present within such groups, which (tragically)<sup>51</sup> places the onus on the movement to court those who do not “belong” to such an identity. Often such is tied to appeals to authority or justice, and seek to unravel the false causalities applied to historical events, current affairs and the actions of notable individuals in order to revise what being part of the State really implies.

In the domain of subaltern studies, pioneers like Ranajit Guha sought to reflect such movements within academic contours through the examination of hierarchy and power in history and polity, and their antecedents remain figures commonly observed during the freedom struggle (like Ambedkar, Jyotirao and Savitribai Phule) all of whom contributed to bringing to the forefront what was relegated away from the so-called “mainstream”. The wealth of sources that can be examined in each potential

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<sup>50</sup> Priya Kapoor. "Shaheen Bagh: Muslim women contesting and theorizing citizenship and belonging during COVID-19" *Frontiers in Communication* Volume 7, 2022

<sup>51</sup> Teesta Setalvad. “Thrice oppressed” Sabrang, 2001.

category of such organizations is sufficient for theses and beyond, be it the legacy of inequality and hegemony faced by classes of people who were for centuries disenfranchised, segregated and discriminated against; and continue to face hurdles in regard to their participation in society.

For such individuals, any value of the founding mythology or the merits of citizenship are at best conditional, if not absent, explaining their subscription to other hierarchies of power, be it parties catering to their castes or their identity of being anti-State. The political emergence of the Aam Aadmi Party in the aftermath of the 2011 Protests Against Corruption<sup>52</sup> is a classic example of a social movement having both a material political outcome, its own mythology of being a synthesized movement against entrenched corruption of the Indian State led by many figures who have earned and spent their political capital. This movement itself merits much salient criticisms, but in general reflects the existence of an array of causes which constantly wrest against the “consensus” on how history is remembered, and such groups often dismiss the legitimacy of the State, going as far as to make displays of rebelling into groups that fit into categories two and three to demonstrate solidarity in sentiments in the pursuit of goals like “dignity”.<sup>53</sup>

Nonetheless, one might question whether such a type of hierarchy or organization really compares to the State, or indeed opposes the State *itself* and not the state of affairs or their corresponding narratives. The speech of the Subaltern is often examined through domains of Post-Colonial critiques of other schools of thought in numerous disciplines, and in the Indian case it is, like always, difficult to generalize the lawful forms of political resistance and the hierarchies they form as *challengers* to the State in the same vein as the Separatists and Criminal syndicates. To take Ambedkar as a well-documented example, he is regarded as both an inseparable figure in the founding of India and one of the most irreverent critics of the State to have existed. He, through his writings has rejected both the implication of Post-Independent India being a truly secular or democratic society due to the continued under-representation and discriminations faced by numerous classes of

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<sup>52</sup> Joseph Manu. "India's Selective Rage Over Corruption". The New York Times, 2011.

<sup>53</sup> Gautham Subramanyam "In India, Dalits still feel bottom of the caste ladder" ABC News 2020



citizens; and the more contemporary slant on India being synonymous to a glorious legacy of Hinduism or a protector of the faith.



*Commemoration of the Riots at Bheema Koregaon in 2019 by the “Bheem Sena” bearing flags uttering “Jai Bheem”.<sup>54</sup> (By News18 team)*

Many other figures may accordingly be raised and examined, alongside their movements, and such a pontification can be supported very directly through historical and legal sources in a manner which frustrates anyone seeking to make representative factual statements. Did the resistance to changes in Citizenship Law in the protests of Shaheen Bagh<sup>55</sup> merely oppose a bill or legal obstacle, or was there a large scale opposition to an induced paradigm shift into what the State viewed as Citizens? Was the movement to decriminalize homosexuality, elevating transgender individuals from not being allowed to own birth and death certificates<sup>56</sup> (which ironically made them victims of changes to laws on citizenship, on top of every other

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<sup>54</sup> News18 “Bhima-Koregaon Anniversary LIVE: Thousands Pay Tribute at 'Jay Stambh', Bhim Army Chief Set to Visit” 2019

<sup>55</sup> Shirin M Rai. “Feminist Dissent: Shaheen Bagh, Citizens and Citizenship” University of Warwick Volume 5, 2020

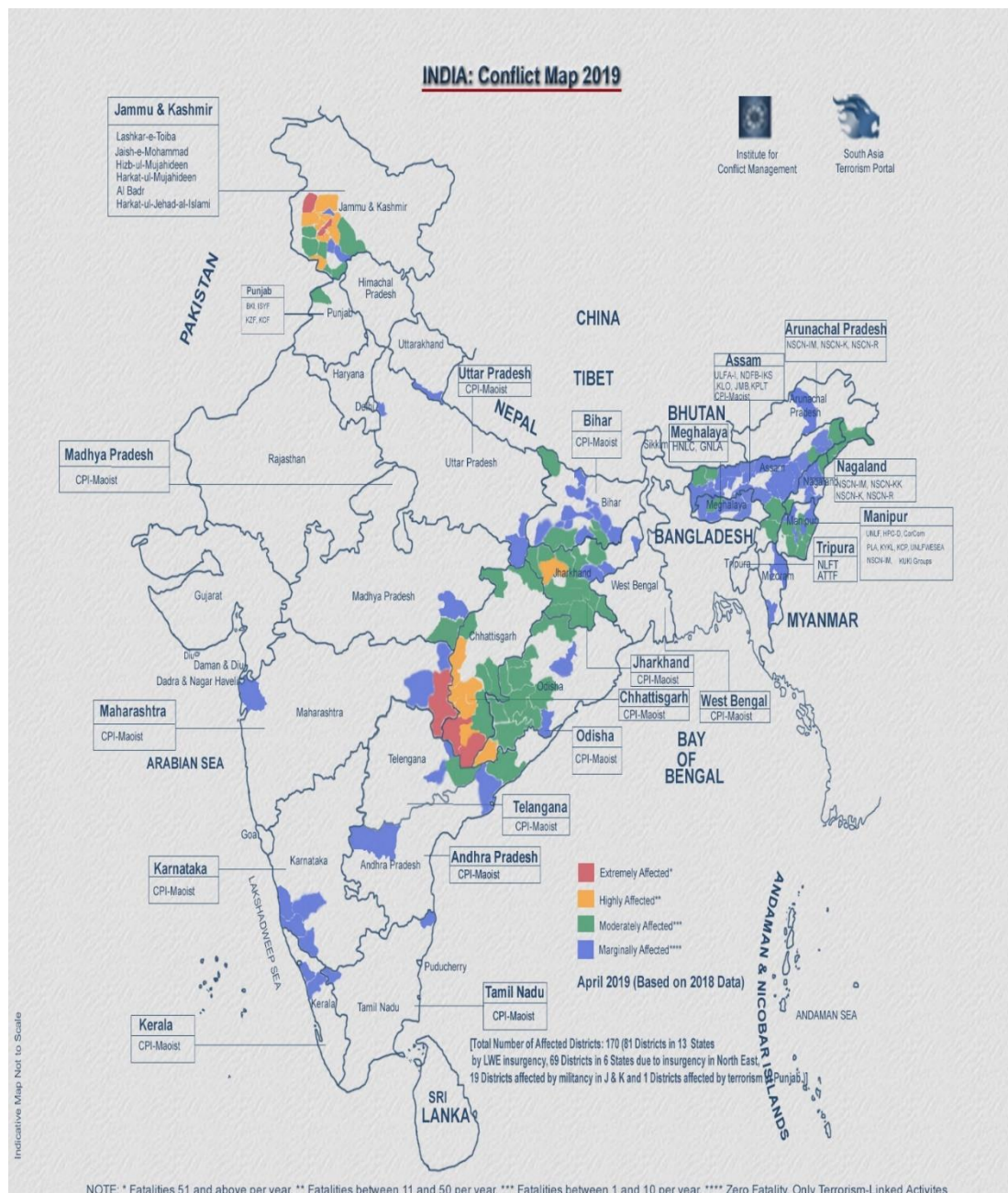
<sup>56</sup> Maria Akram. “Transgenders get space in birth and death certificates” The Hindu, 2016



disadvantage)? Such neat divisions do not exist in reality, in the sources or in the mind of the Researcher.

While sentiments examined through media coverage and academic scholarship regularly identify sentiments of a rejection of Indian-ness due to other forms of injustice, the reason these conscientious objectors bear examining is through their role at the precipice of opposition the State “permits”. In the final chapter of this thesis, it shall be examined how such movements both empower and weaken other classes of entities that depart majorly from the State and its rule of Law, its monopoly on violence and its dominance over history. Nonetheless, the presence of legitimate opposition and mobilization is exceptionally important both in the fields of Law and Political Science, as dissent and expression of opposition in such manners is reflective of the democratic ideals of the Indian State, at least the ideals which can be drawn from doctrines and sources of law.

Subsequently, the second category to be examined hereof are the array of movements that engage in secessionist struggles against the State, and fundamentally reject the legal, moral and historical foundations which allegedly binds them to the State in lieu of creating their own “imagined community” with their own distinct identity. While this category seems to be more immediately important due to the pedigree of opposition being stronger, the legacy and nature of such movements in India again refuse to fit into metrics that are easy to explain. Regardless, secession itself is a very specific outcome compared to the sum total of rival hierarchies that have existed in Post-Independent India, and therefore the sum total of “legitimate” opposition tend to have more visibility and more notable calls to action than secessionism in India.



South Asia Terrorism Portal: Map of India (Conflict Map) 2019<sup>57</sup>

Keeping in mind both the 6 year gap and a paucity of updated information within this period, the aforementioned map covers a wide spectrum of militant movements and calculated into 4 categories based upon the number of casualties inflicted, both upon the militants and agents of the State, be it the Indian Army and all its subcategories (including the Border Security Force, for example) as well as police and civil administration personnel.

<sup>57</sup> South Asian Terror Portal. South Asia Terrorism Portal: Map of India (Conflict Map) . 2019. <https://www.satp.org/conflict-maps/india>.

There are two broad types of secessionism that persists in India, the first being community centric, which includes the regions of Kashmir, Punjab, Manipur, Mizoram and Nagaland alongside other regions in North-Eastern India. The second category are the Naxalites or Left Wing Extremists (LWEs) that fight guerrilla conflicts in order to overthrow the State in order to install a Marxist-Leninist revolutionary State. Each of these categories have certain unique characteristics, but what they have in common is their total refusal in any ties to the legacy of the State from Independence, either due to a disagreement in ideological or in political terms.

Such violent insurrections vary in terms of their intensity and epicentres, as there are no instances of major civilian centres or administrative centres being under the control of such revolutionaries; and most of these conflicts occur at the fringes of urban society or in purely rural settings, as all violence involves using terrain, regional demographics and politics to wage asymmetric warfare. This results in such disparate conflicts waging largely localized but no less bloody struggles against an array of institutions and organizations that form part of the State at both Federal (Central) and Regional levels. They typically manifest as organized groups working in a loose confederation towards an ostensibly similar goal, but each attempting to represent disparate ideas of what their “own State” means within it, resulting in continuous fragmentation and reorganization and episodic swells of violence.<sup>58</sup> They are not *true* secessionists in the sense of being parallel regimes that match the complexity of States, which keeps many of these movements unable to benefit from the optical benefits that more “centralized” rebellions receive<sup>59</sup>.

In keeping with the limits of this paper, it is undeniable that most of these organizations have the same pedigree of legitimacy, in the sense that they seek to valorise their formations in order to issue prescriptive, systematic calls to action; and members of such an organization seem to comply with a code of membership, justice and identity, be it ethnic like the erstwhile Kaplang Front and Mizo National Front guerrillas, or politico-economic like the Naxalites. The causes of such breakaways often come from perceived injustices committed by the State of India, with a

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<sup>58</sup> S Narayan. “Naxalism and Maoism in India” Gyan Publishing House, 2014

<sup>59</sup> EJ Hobsbawm. “Primitive rebels : studies in archaic forms of social movement in the 19th and 20th centuries.” Abacus, 1965.

relatively more convincing set of ideals, organizational principles and national myths that draw stronger attention than the State can marshal. What those ideals are, who their leaders and icons are, and even what their doctrines include is often a transitive set of ideas and idols<sup>60</sup>. Such is both reflective of the adaptive capacity of such secessionists and their opportunism in being able to respond to the defection or death of existing leaders.

The Naxalite led LWE conflicts in India best embody such adaptability of non-ethnostate Secessionists, as they draw from the initial outbreak of conflict in Naxalbari following the writings of Charu Majumdar.<sup>61</sup> However, over time they have branched out to “avenge” issues faced by victims of casteist violence, resource mining and corruption, drawing upon their position at the confluence of various social movements and evoking violent, organized movements against their perceived oppressors, often resulting in the deaths of members of upper caste households and perpetuating cycles of violence.

Even the legacy of insurgency in the North-East of India continues violent opposition of the dominion of the Indian State, because the process of obtaining instruments of accession wrought sufficient turmoil amongst tribal dominions of rulers in the region as well as local political movements, all of whom viewed the accession of Mizoram and Nagaland as induced.<sup>62</sup> Political settlements, the deaths and exiles of many original rebels and the looming risk of Chinese imperialist ambitions does not deter such rebel groups, and while outright violence against the State has subsided, the continual flare in tensions and bloodletting between tribes, the armed forces and government officials continues to reflect the pedigree of violence that is barely kept at bay in the region.<sup>63</sup>

Such total rejections of the premises and mythologies of the State makes such form of opposition quite “obvious” to label in regard to studying their characteristics, even if the constant factionalism and the lack of translated, accessible primary

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<sup>60</sup> Narayan *supra* note 58

<sup>61</sup> Arundhati Roy. “Walking with the Comrades.” New York: Penguin Books, 2012.

<sup>62</sup> Sharma *supra* note 29

<sup>63</sup> Arunabh Saikia “Armed gangs and a partisan state: How Manipur slipped into civil war” Scroll.in, 2023

sources makes it difficult to find reliable evidence in regard to the specific dimensions of legitimacy that this thesis covers. To that end, the nature of such hierarchies being attempts to craft an entirely new model of governance, organization and political enfranchisement should suffice in regard to its members believing in their legitimacy and their capacity to lead such new States, with a corresponding rejection of such legitimacy of the Indian State.

The Third and arguably most interesting category of competing hierarchy falls somewhere between creating a parallel State and reforming existing injustices to restore legitimacy; namely the organization of people into criminal syndicates which organize through the presence of corruption, social disharmony or human greed through an organized network and hierarchy. There is a long enduring legacy of criminal networks forming a parasitic but often “patriotic” opposition to the British Empire<sup>64</sup> and in spite of wresting the metaphoric torch through sovereignty, the Indian State cannot effectively shatter such organized crime. Such is sometimes attributable to the “normal” emergence of criminal syndicates around the world in all societies, but in the case of India, wherein some form of banditry is often revered by some sections of the populace like the *Bargis* of the Maratha Empire<sup>65</sup> just as with all other phenomena, it is difficult to neatly map existing categories onto the groups that are present.

Such is natural in a context wherein social groups were already accustomed to using acts of valiant banditry as means of defiance to colonial oppression and historical rivalries. Even if Bengali historians and community members record the use of nursery rhymes and lullabies as cynical tales of horror during the 18<sup>th</sup> Century Invasion of Bengal by the Marathas<sup>66</sup>; the relative vitriol and volumes of literature and stories about the British dominion ameliorate most long standing historical rivalries. Furthermore, in societies like Punjab where folklore continues to celebrate historical figures like Jaggia Jatt for outright violence and criminality due to *who* the

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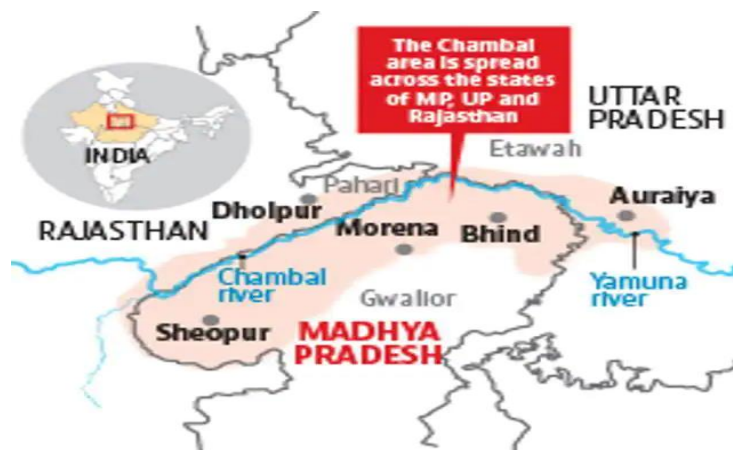
<sup>64</sup> Frank Perlin. “Precolonial South Asia and Western Penetration in the Seventeenth to Nineteenth Centuries: A Problem of Epistemological Status” Fernand Braudel Center Review, Volume 4, Number 2 Research Foundation of State University of New York, 1980

<sup>65</sup> S. M. Dahiwalé. “Consolidation of Maratha Dominance in Maharashtra.” Economic and Political Weekly 30, no. 6, 1995.

<sup>66</sup> Mandal *supra* note 37

crimes were inflicted upon, there is no wonder that sympathies for separatism (the Khalistan movement) persist despite political compromise.<sup>67</sup>

Criminal syndicates are parallel systems of governance, each bearing their own sense of legitimacy and order are found in diverse forms and categories, both using labels applied to them by the State and those self-attributed by their members. While these diverse categories help define specific laws and punishments to diversify responses to “organized crime”, the Researcher argues that their differences do not change the process by which they obtain and express their legitimacy. Nonetheless, the labels of “terrorist”, “dacoit” and “smuggler” carry different punishments and connotations, with most Indians being likely to respond adversely to the terrorist label due to the long-standing phenomenon of Islamic terrorism on Indian soil.



*Map of Chambal Area, (Infographic by Sanjay Kapoor, Hindustan Times)*<sup>68</sup>

The most notorious examples of Banditry are the *Chambalghati* dacoits of Madhya Pradesh, India; Sandalwood Smuggling syndicates, resource mafias in different regions, and the Underworld of Mumbai. The valleys around the River Chambal are dotted with agrarian communities with a scattering of mineral extraction and interstate riverine networks for transportation between them. The malignant presence of organized bandit networks, typically separated clans and

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<sup>67</sup> Ramachandra Guha, “India After Gandhi: The History of the World's Largest Democracy” Picador, 2007, ISBN 978-0-330-50554-3

<sup>68</sup> Banerjee, *supra* note 6

families engaging in banditry either against families of other castes, against landlords or engaging in banditry as a form of subsistence.<sup>69</sup> The Badlands terrain lends to the malignance of groups of violent criminal gangs, mostly men but sometimes also women (with Phoolan Devi being a prominent character from the region). While the last gang related encounter was in 2007, the region remains a space for resource smuggling syndicates to dispense extrajudicial control over their peers and for patriarchy fuelled honour killings and grudge settlements.

These bandits also have their own mythological figures, an example being the critically acclaimed movie *Paan Singh Tomar* directed by Tigmanshu Dhulia in 2012 about the eponymous Bandit<sup>70</sup>, a retired soldier and National Steeplechasing champion athlete who took up arms to avenge a land dispute against a rival clan. Such characters are heralded in both local traditions and more mainstream movies and documentaries, not just for their cruel violence and daring exploits, but also for using trends of social justice and welfare in manners that resemble actual justice<sup>71</sup>. However, the overwhelming majority of glamour is accredited not to dashing bandits or smugglers, but instead to the Underworld of Mumbai due to their proximity to centres of financial power and social capital. Overrepresented in Media relative to many other peers, the most infamous cartel within the Mumbai underworld is the D-Company, well documented by investigative journalist Hussein Zaidi in his works on the both the apogee of the association, Dawood Ibrahim<sup>72</sup> as well as his closest and most prominent associates<sup>73</sup>.

Movies on gangsters like Manya Surve to the more monstrous characters like “Chhota Shakeel” and “Tiger Menon”, all masterminds of numerous gangland killings, criminal organizations and terror attacks continue to demonstrate the prevalent soft power of the Underworld mafias, similar to *la Cosa Nostra* in the US. Such syndicates still exert their power more discretely, with the majority of D-

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<sup>69</sup> Mishra *supra* note 9

<sup>70</sup> M K. Raghavendra “ ‘Paan Singh Tomar’, the Nation and the Sportsperson.” (Economic and Political Weekly) 47, no. 17 2012.

<sup>71</sup> Phoolan Devi. “I, Phoolan Devi: The Autobiography of India's Bandit Queen” Sphere, ISBN-10:9780751519648, 1997

<sup>72</sup> Hussein Zaidi. “Dongri to Dubai: Six Decades of the Mumbai Mafia” Roli Books ISBN 978-8174368942, 2012.

<sup>73</sup> Hussein Zaidi. “Byculla to Bangkok” Harper Collins, ISBN 9789351362258, 2014.



Company being in hiding, dead or serving jail sentences as some of the most infamous criminals to have existed in the 20<sup>th</sup> and 21<sup>st</sup> Centuries.

Hidden amongst this veneer of glamour and valour, there are definitely memories of what life under the control of such organizations was like, particularly in light of the normative value of violence and public disregard of the rule of law. In fact, part of the scholarly foundations of what banditry is supposed to mean includes studies of the use of the public space to express illegality and engage in adventurist accumulation of capital. Bandits and Criminal syndicates exist as parasitic power structures that use their own to dominate the regions they have influence over, often carving a visible bloody path through any who resist them.



*Map of Veerappan's Sphere of Influence<sup>74</sup> (Map by Stephen David, Arun Ram)*

This map reflects another legendary figure in Indian organized crime, Veerappan, a sandalwood and ivory smuggler who wreaked havoc in his stint as the most vicious

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<sup>74</sup> Stephen David and Arun Ram. "Tamil Nadu, Karnataka renew joint operations to capture Veerappan, but a little too late", India Today, 2002)



and well known smuggler of his age.<sup>75</sup> In the end, it is his fearsome reputation for killing civilians, police officers and rival gangs which galvanized the State to compel the coordination of many regions in order to kill the smuggler in spite of his local popularity and support base. Such is the case with every prominent figure who rises amongst the Criminal hierarchies, with limited exceptions like Phoolan Devi who are able to serve their sentences and attempt political careers *ex-post* their criminal days.

How does the Researcher accordingly argue that these organizations are, in fact, capable of bearing legitimacy, if it is difficult to even place them into the same category which strings them together other than criminality? The answer lies within the premise of examining legitimacy within the dimensions selected in this Thesis, namely the processes of obtaining historicity through linking events of the past, and in defining membership through compliance to certain common creeds and orders relative to others. To that end, all subtypes of criminal organization similarly demonstrate their legitimacy, in the opinion of the Researcher. Whether we examine how D-Company, Sandalwood Smugglers or Online Cyber-Piracy circuits operate, rather than examine why the State views them differently in this chapter, it is more prudent to understand that they follow the same *modus operandi* in selecting their own “Great men” and constructing their own “imagined community” that does not seek to supplant the State but to enrich themselves and their members in manners not permitted by law.

All these ideas tie back to scholarship of Banditry, though the research on it concedes the shrinking presence of older archetypes of bandits in lieu of different emergent criminal organizations and shadow economies which pursue the same type of outcomes. Etymologically, the interplay of the old English word “*bannan*” or “to command or proclaim” to the vulgar latin “*bannire*” and the Italian “*bandito*” meaning outlaw<sup>76</sup>; demonstrates that regardless of how differently one views such criminal organizations, they functionally perform the same functions involving the public and deliberate defiance of law and law enforcement in pursuit of alternate ends, which brings them in conflict with the State.

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<sup>75</sup> K. Vijay Kumar. “Veerappan: Chasing the Brigand” Rupa Publications 2017

<sup>76</sup> EJ, Hobsbawm. “Bandits”. Pantheon, 1981.

Hobsbawm's "Social Bandits" are arguably closer to resembling State or secessionists in their form, and necessarily involve the creation of a creed and order based upon a system of rules and practices which break from the acceptable conventions of the State<sup>77</sup>. Unlike the secessionists, however, this breakage implies more so the control and dominance of this parallel creed within the broader subset of the State rather than its own sovereign, self-governing set of codes and decrees. Social bandits are thus subverters of law and order, creating their own decrees, often backed by violence and loyalty pledges in the pursuit of power in a manner deprived to members of such organisations by law. Their opposition to the State is borne from neglect and the impotence of State control within the fringes<sup>78</sup>, where they serve as pseudo-States who do not wish to secede but instead subvert the economic and extracting nature of the Central authority. Humorously, these social bandits may keep sections of society from seceding due to their acts of criminality and parallel codes preventing certain sections of society from rejecting the broader identity of the State.<sup>79</sup>

Blok's own positions are also interesting in understanding how these diverse criminal organizations actually have more in common than evident even as critics like him challenge Social Banditry in a consequentialist perspective, claiming that for such organizations the goal is not the elimination of the oppressive circumstances that sparked such movements, but more often than not, the process of creating a *petit-bourgeois* within the societal fringes.<sup>80</sup> The notion of taking over the functions of the State is undesirable as the premises of bandits, in their opinion, is to enrich their own members out of criminal self-interest; and any creed of honour or social goodwill inherited is merely to mimic the trapping of lawful State power without taking any responsibilities in governance or representation.<sup>81</sup> Thus the bandits of Blok's paradigm are the same self-interested parties that they often label their oppressive government to be, and through their creeds of order and the public

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<sup>77</sup> Osterhammel *supra* note 46

<sup>78</sup> Hobsbawm *supra* note 59

<sup>79</sup> Hobsbaum *supra* note 76

<sup>80</sup> Anton Blok. "The Peasant and the Brigand: Social Banditry Reconsidered." *Comparative Studies in Society and History*, Vol. 14, 1972.

<sup>81</sup> Wolfgang Maderthaner. "Outcast Vienna 1900: The Politics of Transgression." In *Spaces of the Poor: Perspectives of Cultural Sciences on Urban Slum Areas and Their Inhabitants*, edited by Hans-Christian Petersen. Transcript Verlag, 2013

dispensation of violence they induce power imbalances within their fringe domains, at least until they grow powerful enough to challenge the State directly, in which case they often cease to be “bandits”.<sup>82</sup>

Criminality, therefore, relies upon the simultaneous manifestation of injustice to stir out disgruntled members, but not always a new paradigm of justice or good governance, either because they are unwilling to improve the situation and only seek to defy it in order to leverage solutions from the State or benefit their supporters (Hobsbawm’s characterization) or only adopt those trappings to acquire power and authority away from the State without taking on the onus of creating their own paradigms.<sup>83</sup> Such entirely covers the broad subclasses of criminal organizations, who are content to remain within the *status quo* where they can enrich themselves, or use their own instruments of justice through violence and vigilantism against other oppressors, be the State or the upper classes within their societies. Their legitimacy is also a facsimile of State’s narratives on history and order, with figures like Phoolan Devi even *joining* the mainstream. They are distinct from the secessionists in the sense that they often do not wish to create their own order for all, but instead use violence, secretive hierarchies and personal / communal codes of “honour” in order to continue to seek self-interested outcomes.

At this juncture, it is clear that there are many potential hierarchies that compete against the State in their own distinct ways, all of whom reject the framing of the State as a benign, legitimate actor either in terms of their right to govern due to their historicity, or in the value of being a lawful citizen of India in light of injustices, real or perceived. Nonetheless, it is crucial to remember how the observable power asymmetry held by the State directly impacts the way in which hierarchies view and define themselves. Optically speaking, even within these competing hierarchies, driven by righteous indigitation or political opportunism, all movements and syndicates remain highly influenced by what the State “allows” them to be. Poverty and visible injustice, for example, has been shown to draw out resistance in the three

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<sup>82</sup> Stephan Hensell , and Felix Gerdes. “Exit from War: The Transformation of Rebels into Post-War Power Elites.” *Security Dialogue* 2, no. 48, 2017.

<sup>83</sup> John Markoff. “Violence, Emancipation, and Democracy: The Countryside and the French Revolution”. *American Historical Review* (ed). Oxford University Press on behalf of the American Historical Association, Volume 100, number 2, 1995.

broad categories we have observed; but has concurrently been studied as the product of the State's choices.<sup>84</sup>

Therefore, while neglect, broken promises and continued inequalities drive individuals to join such other hierarchies, it is very important for such groups, particularly the Conscientious objectors to not be confined to the metrics that they are driven by, otherwise they risk their legitimacy fading once the State either superficially remedies their problems or tangential changes in circumstance depletes the relevance of these alternate paradigms of legitimacy and order. This folds neatly into the process of Prepotency of the State, as the only way the State can continue to enjoy its sphere of power and influence is by overcoming these emergent challenges to its legitimacy, which shall be subsequently examined in the coming chapter.

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<sup>84</sup> Hans-Christian Petersen. “ ‘... not intended for the Rich’: Public Places as Points of Identification for the Urban Poor – St. Petersburg (1850-1914)”. In *Spaces of the Poor: Perspectives of Cultural Sciences on Urban Slum Areas and Their Inhabitants*, edited by Hans-Christian Petersen. Transcript Verlag, 2013.

## Chapter 3: Conflict and Prepotency

The final chapter of this thesis, intends to take the characterization of both aforementioned alleles and narrate, in an allegorical sense, the process of the Indian State dominating all other forms of hierarchies. In the age of invasive State surveillance, Asymmetric guerrilla warfare and the use of the Internet as instruments of information and disinformation<sup>85</sup>; the Researcher shall depart from passing value judgments on the interactions between the State and its competitors in the process of making their own respective legitimacy supersede the other. As established before, the end goal of being perceived as legitimate often results in each of these groups viewing the other's goals as mutually exclusive, and in the process of conflict and subsumption, it is clear that the Indian State, as with any other contemporary State, leverages its advantages very tactically.

Nevertheless, the Researcher does not imply that abuse of State power is justifiable in light of challenges against it, but merely wishes to avoid moral binaries in viewing resistance as always seeking to correct some instance of State failure as they are often susceptible to the same phenomena of opportunism, factionalism and becoming part of the *status quo*<sup>86</sup>. In practice, this means that the Researcher views a fellow citizen from the Dalit community choosing to accept the State's perspective on caste based injustices, choosing to join social movements and agitations, joining separatist Dalit nationalist movements (hypothetical) or joining an anti-upper caste mafia as comparable choices that the individual can hypothetically take based upon what entity they ascribe legitimacy to, a phenomenon which already takes place in modern India<sup>87</sup>. This is to account for the fact that no matter what choice the individual makes other than to submit to the legitimacy of the State, the very fact that the other three courses of action exist itself incentivizes the State to contest the hierarchies that emerge from people organizing under their choices.

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<sup>85</sup> Kimberly A Hudson, and Dan Henk. "Strategizing in an Era of Conceptual Change: Security, Sanctioned Violence, and New Military Roles." In *The Future of Just War: New Critical Essays*, edited by Caron E. Gentry and Amy E. Eckert. Georgia: University of Georgia Press, 2014.

<sup>86</sup> Ajoy Ashirwad Mahaprashasta "Not Knowing Where Else to Go, AAP Is Moving Further to the Political Right" *The Wire*, 2020.

<sup>87</sup> Subramanyam *supra* note 53

The State must always respond in these circumstances, as even a bonafide challenge to its power risks the loss of a class of citizens who may reject the State's self-appraisals and goals. Notwithstanding the role of dissent in democratic societies and deferring issues of democratic decline to later in this chapter<sup>88</sup>; States are never willing to risk being viewed as equally legitimate or not morally superior to an NGO, popular movement, rebel group or crime syndicate. Such weakens their power and their command over the metrics of legitimacy and order, and this equality of choice actually existing can be observed as precursors to State failure as observed within other countries in the Global South.<sup>89</sup> After all, the optics of resembling Yemen, Syria or the banana republics of the 20<sup>th</sup> Century is never something that State actors would allow to happen without a substantial decline in their legitimacy occurring outside of their control.

Therefore, it is clear why the State must so viscerally respond to every emergent challenge to its legitimacy and its right to represent its legitimacy to present and prospective citizens. Not all interactions are benign or lawful, however, and the Researcher identifies three steps by which the State becomes Prepotent, and by doing these separately or concurrently it ensures that it is viewed as the most likely and trustworthy paradigm of power. The first step is by controlling the use of Law and Order itself, wherein through the tactically determining what is legal, the State can force all three categories of resistance to have to jump certain hurdles. The second step is thorough using violence, which in line with Weber's analysis, permits a reframing of the actions of the State in using and spinning its exclusive right to use force against unlawful organizations and person. Finally, the third step is through obfuscation, wherein the State apparatus is better able to control information and meaning in order to recharacterize circumstances and events in order to obtain certain outcomes or trends.

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<sup>88</sup> Khaitan Tarunabh. "Killing a Constitution with a Thousand Cuts: Executive Aggrandizement and Party-state Fusion in India" (2020) 14(1) Law & Ethics of Human Rights 49

<sup>89</sup> Perlin *supra* note 64

None of this is to decry the State, at least not in the sense that these mechanisms of expression of power have already seeped into the Overton Window<sup>90</sup> and have become mundane in regard to the responses they elicit. The State does not shift the window, as the instrument is so often misconstrued, but adapts to *match* it, and with the march of time, it is clear that States have used all three aforementioned steps to broadly respond to emergent challenges. These are not new phenomena either, with the very first examples of steps being taken in these general categories being at the very onset of Indian Independence. The use of military force and pressure to acquire the Instrument of Accession in Manipur, the imposition of a Constitutional Emergency under Article 356 of the Constitution to suspend the democratically elected Opposition regional government in Kerala in 1959; and the long lasting legacy of conflict over Pakistan over Kashmir being used by all parties to perpetuate violent stalemates; all these exemplify the fighting spirit of the State whenever it perceives any serious counterfactual or challenge to its legitimacy has emerged.

In regard to the use of Legality, it is essential to acknowledge that the State is also a habitual offender of its own laws, both in letter and in spirit. While not a disqualification of the need to have a code of laws and rules, it is important to understand the utility of law and order in regard to its effect on legitimacy, with the description of circumstances being “orderly” always being attributed to the entity which exerts the most power and influence. In the case of the State, the utility of law against detractors is a fundamental imbalance in their favour, because there is a strong correlation between law, compliance to law and ideas of morality in society. Jurisprudentially, regardless of whether one labels themselves as a Positivist (who attribute legal norms as the progenitors of human morals rather than products of them) or a Natural Law Theorist (who argue in legal morals being just one set of morals existing continually with other moral codes); the fact that following existing laws and rules of procedure naturally lends to a greater attribution of morality constantly favours the State relative to any of the three other categories of hierarchies,

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<sup>90</sup> Robertson, Derek. "How an Obscure Conservative Theory Became the Trump Era's Go-to Nerd Phrase". Politico. Retrieved 10 September 2019.

Foucault's analysis of law as the capacity of the State to punish and instil discipline through changes in habits of its subjects<sup>91</sup> comes to mind when examining the attribution of legality to dissenting strands of power, as it tracks with much of the political and jurisprudential outcomes sought by the Indian State. The label of "criminal" being used against any form of protests attritions away at the social capital enjoyed by conscientious objectors, for example; as even when they mobilize against patently unfair legislations or violations of the ethos of the legal system in India<sup>92</sup>, sustaining widespread support becomes harder for any organization once their actions are classified as outside the purview of the State. In fact, much of the academic examination of "lawfare"<sup>93</sup> involving the deliberate use of procedural law and institutional red tape to stifle lawful protests and social mobilization is already at play in India.

The routine harassment of activists, NGOs and other anti-government social movements have been examined thoroughly in many accounts, but it barely holds a candle to the ramifications of criminality being used to suppress members operating in hierarchies who engage in secessionism or organized crime. The very existence of such individuals and their communities are often discussed in forums of national security and public order, resulting in an aggravated rise in calls to violence against characters that are portrayed as enemies of the State.<sup>94</sup>

Given the banality of violence in many armed insurrections in India<sup>95</sup> and the traumatic effect such encounters have on survivors, prisoners and defectors<sup>96</sup>, it is hardly surprising that legal reformers seeking to defuse the role of the State as a violent, overwhelming actor are treated with as much disdain as the British Orientalists who were viewed as too charitable towards Indian Civilization<sup>97</sup>. The support from punitive justice is also an expression of the general angst against the

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<sup>91</sup> Foucault *supra* note 11

<sup>92</sup> Rai *supra* note 55

<sup>93</sup> Scharf, MP. "Is Lawfare Worth Defining?" *Case Western Reserve Journal of International Law* 43(1), 2010.

<sup>94</sup> Anagha Subhash Nair and Ananta Agarwal "Hindu extremists in India escalate rhetoric with calls to kill Muslims" *NBC News* 2022

<sup>95</sup> Singh *supra* note 31

<sup>96</sup> Banerjee *supra* note 6

<sup>97</sup> Soumyendra Nath Mukherjee "Sir William Jones: A Study in Eighteenth-century British Attitudes to India" 230, Cambridge University Press. ISBN 978-0-86131-581-9, 1987.



reporting of horrifying criminal activities and the widespread occurrence (if sporadic in frequency and intensity) of violence all result in a public more receptive to the entity which can enforce its will and lay down the rules of procedure and engagement, which the State consistently manages to do in India.

The daunting challenge faced by so many competing strands of power is always the gatekeeping of the State in regard to the acceptability of resistance. By miring protestors in lawsuits, arrests and detentions, or painting them as targets for law enforcement to punish, the State is not only able to be credited for a lack of violence if complied with, but also from quelling violent conflicts quickly through responding in kind. The ability to take any punitive action deemed sufficient to stop criminal behaviour when combined with the ability to re-evaluate and discharge the State's military and police power results in a constant struggle for all types of resistance to have to account for the additional hurdles of criminality, sanctioned State violence and being blamed for so many additional optical losses caused by reporting of violence<sup>98</sup>.

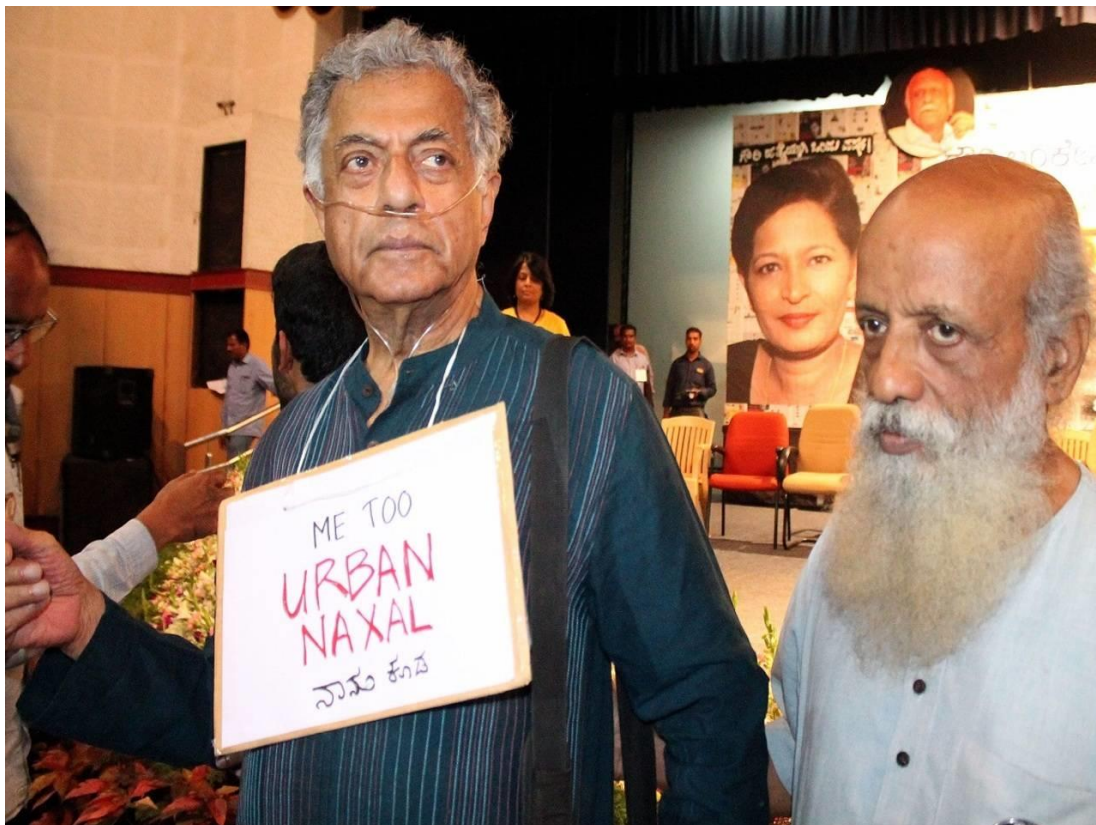
The second step was already evident from the first, namely the threat and use of violence against actors deemed too dangerous to exist or express their ideas of opposition, autonomy or illegality. The threat of violence has tragically abated in India due to the degree of normalization of violence within everyday life. Echoing the scholarship on the Banality of Evil, the glorification of State actors using extrajudicial force in pursuit of mob justice has already become mainstream in India<sup>99</sup>. Furthermore, there is a rich history of juristic and legislative enquiry into the persistence of violence in arrest, torture of undertrials and the complicity of State institutions in perpetuating feuds and violent struggles. The cathartic use of State sanctioned violence<sup>100</sup>, be it lawfully against rebels or extrajudicially against accused convicts and perceived enemies; acts as a very effective instrument by the Indian State which has relied upon this normalization of violence as a deliberate strategy for reinforcing its legitimacy.

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<sup>98</sup> Roy *supra* note 61

<sup>99</sup> Srinivasa Rao Apparasu. "After Friday's encounter, top cop VC Sajjannar hailed as hero in Hyderabad" Hindustan Times, 2019

<sup>100</sup> Maria Florea. "Media Violence and the Cathartic Effect" *Procedia (Social and Behavioral Sciences)* Volume 92, 2013.



*The late Girish Karnad, renowned Film Director wearing a sign wearing “Me Too Urban Naxal” as a form of protest <sup>101</sup>*

In fact it is quite overt how different governments (all representing the State in different periods) have been in regard to the role of violence and crackdowns against the “other” in public. The 1975 Emergency and the Mass sterilizations of protestors by the Sanjay Gandhi (son of Indira Gandhi, the 3<sup>rd</sup> Prime Minister who declared a National Emergency in 1975 to oppose an anti-incumbent protest movement) is perhaps the most vivid example of such a phenomenon, though more recent strategies in the use of violence are far more sophisticated. The example of the picture, namely the coinage of the term “Urban Naxals” to label largely left-wing criticisms of the Modi government and its regional power centres uses language and violence in an interwoven manner.

On one hand it echoes the “Red Scare” era of demonising Naxalites by giving more public instances where they are “punished” to keep their group and ideology

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<sup>101</sup> Press Trust of India “ Karnataka: Complaint against Girish Karnad for holding 'Me Too' ” Times of India 2018

from no longer being viewed as a threat to security. On the other hand it subconsciously weakens the backlash against police violence to suppress peaceful acts of resistance by hearkening to the imagery of jungle skirmishes, landmines and armed gun violence, implying that this is the outcome sought by those who question the legitimacy and legality of the State's actions. This linguistic change to an existing meaning promotes a general shift<sup>102</sup> in how some phrases and ideas are remembered, and this inexorably changes how certain definitions endure overtime.

This has also led to a worrying increase in the use of extra-judicial violence in the form of vigilante justice, often against targets like journalists (Like Gauri Lankesh in the above picture who's murder received vigils and protests) and petitioners against the State. Even those using the Right to Information Act to seek information on government policies, a highly neutered legislation in regard to its ability to compel transparency; are targeted by the State's supporters<sup>103</sup>, whose acts of violence are never punished with as much severity, if at all. The direct role played by the agents of the State or their supporters in the torture, killings and beatings of many oppressed groups and organizations, be they muslim, lower caste or protesting groups, is hard to succinctly describe or even comprehensively study, as there are limits on the availability of sources about such incidents in many periods of Post Independence history.

Recency bias necessitates a greater collection of sources about the current political climate, but the Researcher does not hesitate in claiming that the Indian State has always been reckless in its strategic reliance on violence as a mechanism for preserving social goodwill and legitimacy, be it the limited international coverage on the decades of violence against LWEs or the cascading series of catastrophes in Kashmir and its various peoples. However, even in that abstract sense of the use of violence against the enemy as a means of marshalling support, the Indian State is unparalleled amongst the competing strands of power when it comes to being able to instrumentalize both the use and abstinence towards violence. Tragically, it is within this environment that responsible non-partisan political actors would be attain

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<sup>102</sup> Swiggers *supra* note 12

<sup>103</sup> Bhatnagar, Gaurav Vivek. "Maharashtra, Gujarat Top in Attacks, Killing of RTI Users." (The Wire) 2018

pragmatic settlements in the vein of the Longowal Accord, but if the uptick in support for Khalistan is anything to go by<sup>104</sup>, there are serious issues that may deteriorate into more open conflict unless some trends are arrested or remedied in a systematic way.

However, when it comes to the last category of actions taken by States to secure their supremacy, namely the use of obfuscation and distortion of information; there are few examples in Indian history of regimes that can match the Modi government in the success of their *modus operandi*. The behaviours exhibited in this category of actions tend to involve the proximity and influence the State has over the different branches of media and information hosting and sharing platforms. The processes of obfuscation of information are diverse, whether it is inducing diachronic change in language like the “Urban Naxal” case, or deliberate attempts to recontextualize existing beliefs and norms through the use of misinformation or historical revisionism.<sup>105</sup> The present government has systematically deployed different forms of obfuscation in order to appear more historical and principled in their advocacy for hindu theocratic foundations being built into the Indian State.

Such a challenge in meaning is not always very intuitive, and often involves a reliance on linguistic and logical tricks in being able to shift general opinions on historical and political events. This is often used to erode away at the support bases of notorious criminal groups by reframing their heroics as acts of violence and anarchy<sup>106</sup>; which is strongly echoed by the legacy of groups like the D-Company being largely tethered to their role as “terrorists” rather than their prolific wealth accumulation and political connections during their time as “smugglers” or “counterfeiters”<sup>107</sup>. This further reflects how the distinctions in legal categories largely effect how their actions are represented as well as what the State is “permitted” to do to stop them, with the apogee of such categories is being linked to terrorist organizations, followed perhaps by the labels of “anti-Hindu” and “Naxal”.

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<sup>104</sup> Mogul *supra* note 33

<sup>105</sup> Suhasini Raj. “New Indian Textbooks Purged of Muslim History and Hindu Extremism” New York Times. 2023

<sup>106</sup> James Kraska, and Brian Wilson. “Fighting Pirates: The Pen and the Sword” World Policy Journal 25, no. 4, 2008.

<sup>107</sup> Zaidi *supra* note 72 and 73

Revisionism is not merely used to change the labels on the targets of the State's ire, but also follows a major alteration of different aspects of modern perspectives on legitimacy, history and polity. In regard to how this thesis examines legitimacy, the very foundations of the Indian State in regard to the presence of Right Wing hindu role models within the same contexts as other noted figures of the Indian Freedom struggle is just one of the ways by which there is a traceable effort to

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change the recorded history and memory of the present about the past. This page represents one rather infamous instance of such a phenomenon, wherein there was the inclusion of Savarkar (a figure known for his dubious endorsement of the Indian Freedom Struggle, his apologia of British imperialism, and his fascistic aspirations for a nation for Hindus in the subcontinent) in lieu of Nehru, the first Prime Minister of India and amongst the most prominent figures of the 20<sup>th</sup> Century (exceeded only by Gandhi's stature in India). It is not impossible to claim that Nehru's prominence is exaggerated, but the blatant partisan support for figures like Savarkar or even Gandhi's assassin Nathuram Godse (who was a prominent figure in the RSS) detracts from any claims of such revisions being based on novel academic evidence or informed perspectives.

Even bypassing such strategies of distortion of history and evidence, the fact that there is, for example a major effort to challenge secularism within the Constitution which has always been an integral part of the mythology of the Indian State in 1947<sup>109</sup> as evidenced in the Constituent Assembly Debates as well as the aftermath of the Partition wherein Indian refusal to endorse theocratic models of Statehood eventually reduced the communal tensions and forced displacements from within the territory of India. These revisions of core tenets often force alternative power structures to adapt in ways which are harmful to their interests,; for example coaxing the defence of secular values by intersectional anti-caste discrimination advocacy groups and using such a defence to propose rolling back affirmative action being granted to communities based on their community's history of being segregated and discriminated against.

All these processes work in tandem in the Indian context, particularly benefitting from the "prospective nationalism" model of Statehood that the India State ostensibly was founded on due to how such a State allows for its institutions and agents to impute their own interpretations of its history and core tenets. Prepotency in genetics reflects the greater heritability of an allele over its corresponding set, increasing the likelihood it is transmitted to the next generation. In the context of this thesis, the State's Prepotency simply reflects its ability to acquire

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<sup>109</sup> Thakur *supra* note 35

and dispense public trust due to its ability to overcome all competing strains of legitimacy and order. In spite of the wide spectrum of organizations that challenge the linear march of history and polity in India, public trust in the State remains high<sup>110</sup>. This offers the State far greater autonomy in being able to protect its own legacy and identity, brushing away systemic criticisms which its leadership at the time is unwilling to solve and still be able to adapt or reframe its actions overtime. Any specific issues that pertain to a political or ideological order within the State simply can be resolved subsequent to the emergence of a new dominant ideology and polity; and just as issues of low public trust, nepotism and institutional corruption stuck to the coalition politics of the Congress led alliance from the mid-2000s to the mid-2010s, so too shall the seemingly more pervasive influence of the BJP led saffron wave.

However, the suitability of the Prepotency metaphor also works in favour of recognizing the role played by non-dominant genes within genetics, which still can influence genetic strands that are transmitted as well as re-emerge as dominant if passed down, having skipped a generation in terms of being active. This also encompasses how diverse hierarchies all expressing their rejection and resistance to the mainstream being able to endure being subsumed or suppressed only to emerge later as a source of power and influence.

Instances of this happening can be found across the spectrum of the thesis and the cases examined, be it continued resistance of the Islamic separatist factions in Kashmir against the Indian Army; the shifting locations of the “Red Belt” of Naxalite insurgency; the fluctuating status of separatists in Khalistan or Nagaland as well as social movements like the Narmada Bachao Aandolan and Shaheen Bagh movement becoming more intersectional in the subjects they mobilized towards. Therefore, while the State is undoubtedly prepotent, those power structures in the periphery are neither doomed to fail nor without salient causes for dissension. The States prepotency only lasts so long as its form of legitimacy trumps all others, which is often only possible through the instrumentalization of legality, violence and obfuscation in order to attrition away any social capital enjoyed by its rivals.

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<sup>110</sup> Kumar, Pratap and Aggarwal *supra* note 14



## Conclusion

What, therefore, does one make of the Prepotent nature of the State and the recessive condition of the political “other”? In the course of this analysis much weight was given in being able to demonstrate the differences between what can be considered to be Central (dimensions relating to the State) and Peripheral (dimensions relating to the other strands of power). The metaphor of Prepotency, alluded to throughout the thesis and title, was mostly to demonstrate the continued domination of the esoteric and abstract notions of the Indian State over any other paradigm of power and social organization. The diversity of rivalrous power structures and their methods of identifying and expressing opposition to the foundations and legitimacy of the Indian State made it difficult to make more generalized assertions; and the inconsistencies and political fluctuations that comprise the Indian State, another factor of complexity, seems almost by design constructed to thwart emergent systems of power.

The only generalization the Researcher is willing to make towards the end is that sources describing textual and journalistic accounts of power, conflict and identity relating to organizations cannot be presented in linear cause-effect relations. Differing motives, differing leaderships and different ways of presenting historical, political and social phenomena, all should point towards avoiding adopting monolithic perspectives on the causes and consequences of power, order and organization. Any other evident generalization, including questions on whether India has truly been a representative democracy, the value of the Constitution or the very timeline of relevant events of the past which affect the present; all have been ceded in light of the sheer volume of contested ideas, theories and opinions that have been consumed in course of this study.

In regard to prescriptive findings, the Researcher (in a self-appraisal) remains largely descriptive about the state of affairs and the character of the Centre and the Peripheries. Such is a natural concession made in order to keep this research topic manageable, and to examine the causes behind the general social cohesion within the



diverse, mutually supportive and antagonistic entities within the territory of India. No real refutation to the value of India existing as a Union exist, with only some regions seeking to entirely reject the modern contours of Statehood, who are only a section of the types of organizations that object and resist State control. To simply study the effect this has on grounds of ethnicity, caste, sex and gender or ideology would result in an academic piece comparable in size and scope to this one.

However, the prescription made by the Researcher in this context is the amorphous nature of the Indian State, which through sources describing the conscious processes of nation-building ended up using a model of Prospective Nationalism rather than harken back to a political order of the Past. For the predominant political classes of the Freedom Struggle and Constituent Assembly, such an arrangement was both conscious and desirable on account of the divisive sectarian system of governance of the British Empire and the rejection of such a form of social order even from a Post Colonial Perspective (by rejecting the theocratic slant of the Pakistani Nation-State). Even if this is no longer politically in vogue, it is the very existence of such flexible models and perspectives on Statehood and Power that is enshrined into the order established by the Constitution of India. To reject it and move towards a value based order which rejects such foundations would warrant a major departure from the Identity of being the “Indian State”, which is what revisionists, rebels and reformers ostensibly seek to do.

Keeping these ideas in mind and having described in detail, albeit limited detail seeking to represent broader spectrums of ideas; the Researcher is now perplexed with what this text means to do with the information it has listed. Keeping in mind the references to the work of scholars like Walter Benjamin (who bears much influence on the Researchers perspectives on the relation of history and time); the Researcher has attempted to perform the role of a historiographical materialist by demonstrating how events in the past do not have inherent historical value, but instead that value is applied to them retrospectively by actors like the State. All forms of resistance, explored here and not included specifically, all functionally contest this attribution of value and causality to historical events.

Therefore, the aim of the Researcher is to demonstrate how this process happens instead of attributing historical value to other events and narratives. Such challenges to history are better and more comprehensively done by specialist writers like Guha, Ambedkar or Hobsbawm. The Researcher merely aimed to diversify the tactics employed against the instrumentalization of history and polity by proving how everything the State does is not empty time but an evolving series of choices made in the present. In this thesis it does not matter as much if the State never truly recognized the role played by sections of society from the lower castes in its history; but it matters far more that it presently claims to have done so and combats any challenges to its timeline and causality through diverse means. To prove how history and legitimacy are constructs, the Researcher has sought to spend more time showing that these processes of construction take place and how they benefit the abstract roles played by the groups of people representing the “State” as an imagined community.

To further illustrate this intended approach, the Researcher invites the Reader to undertake a thought experiment to bring clarity to any conclusions one may draw from this scholarship. Such also may help make clear why people ascribe legitimacy in some form to institutions around them. To that end, the Reader is invited to imagine themselves walking out one evening looking for a few drinks (or a warm meal for the abstainers). There is an old drinks bar that the Reader is encouraged to fill in details for, one that is just around the corner that they have frequented as long as memory serves. It is a well visited place, sometimes too crowded, even, but one cannot remember a time when they did not get a chance to go visit and offer their patronage in exchange for a good time. Sometimes, the owners of the bar often send shift managers who radically change the order of business from time to time, but no matter who is in charge, you and most patrons still have a sense of attachment to the place being “yours” to get services and spend time in.

This fateful evening the Reader must picture taking a turn into the lane and seeing a small fracas right in front of the bar. Three men appear to be particularly peeved at a sign which hangs over the wall. The sign was, as far the Reader can remember, inconspicuous, as it never really affected their ability to go in and acquire services. Reading it makes the words jump out, “No Naxals, Brown-Eyeds or

Criminals allowed service” Having neither a fondness for leftist extremism, criminal record or brown eyes, it must come as a surprise seeing this sign as more than mere set dressing, and it seems three men are taking turns to argue with the bouncer at the gate.

The Reader is now invited to speculate why three other potential customers have taken umbrage at the bar’s admission policy, and perhaps even feel offended at their exclusion from being allowed to drink, or dislike the imposition of such arbitrary rules of admission. After all, the bar was always setup to service to the whole community and has been doing it for years, at least that’s what the shift managers and owners will tell you. Nonetheless, the Reader presumably wants to go get drinks this outing, and are now standing outside wondering what to make of a sign that has never bothered them before, and has thus evaded their notice.

In fact, do you, the Reader even recall who put that sign up? Was it always there, or was it the idea of one of the new shift managers in the recent past? They do tend to change things quite at will, sometimes offering more or less amenities to go with the liquor, sometimes changing the seating arrangements or what drinks are even available for consumption. No matter who is serving the drinks, even if it is the manager who insists on only serving “clean and pure” food and only picks vegetarian options, it is still your neighbourhood bar, and you have been going inside for drinks uninterrupted for as long as memory serves.

To continue this analogy, the first of the men scribbles a poster decrying the sign as discrimination, sitting by the doorway and dissuading any who would listen from entering into the bar. The second man, more visibly agitated, clears out one table and attempts to make a moonshine stall to compete with the more furnished, well stocked bar. The third man quietly pockets drinks from the counter and stands outside, publicly consuming them and offering some to all passers-by. Why these men chose their respective course of action, is not always so clear.

What is important is that they have acted accordingly in these ways, leaving the Reader confused about whether they ought to resume their intended patronage of the

bar or not. After all, why can't these men go elsewhere and leave the bar to be frequented by you and like-minded, non-brown-eyed characters such as yourself? Or, perhaps you wonder why they cannot just be allowed inside as they are clearly likely to be able and willing to pay and seek patronage "normally" if given adequate chances. Whichever direction the Reader's thoughts are going in this situation, they are interrupted by today's shift manager steps out of their rooms, flanked by bouncers, clearly seeming like he is planning something.

The manager steps into action, scribbling on the sign till it reads "No Naxals or Criminals allowed service, Brown-Eyeds pay extra to enter" and stands down, looking rather satisfied; while the sounds of the bouncers brawling with the Second man and yanking away his bottles of moonshine can be heard. The manager turns to the First man holding the sign and proclaims "There, they are allowed entry now" before striding up the Third man who wordlessly hands him some of the money he made from selling the stolen drinks before walking back inside, no longer interested in the situation at hand.

How you, the Reader react now, is up to your imagination. Statistically speaking, most Readers who happen to be prior patrons of the bar would still head in, with some joining the man protesting at the entrance to the joint, pulling away the brawlers inside or buying stolen booze outside to avoid having to pay for table service. Some even turn away and refuse to go back to the bar. After all, if the Shift manager does still provide a service, and follows the rules set up for themselves, does it make sense to object to either the treatment of the 3 men you can see or the many whose mistreatment you have never witnessed but could potentially have happened? Whatever choices the Reader should make, however, was never the purview of this paper, or the purpose behind this long analogy.

The analogy is interesting to the Researcher because it what it should convey to the Shift Manager, or about the Researcher themselves presenting this analogy, presumably another guy standing behind the Reader noting their responses in turn. Should the Shift manager be satisfied if the Reader and Researcher, as patrons, go in to the bar anyways? Such adherence may be predicated more on the brand loyalty,

vindictiveness or indifference in the face of conflict affecting others of the patrons rather than any service or unique feature provided by the Shift manager. All their new ideas may not be worth as much if the patrons are only coming in because they have no choice, or no desire to learn about the sign and the fairness of the rules of admission.

Finally, what does this analogy, and by extension, this very paper say about the role of the Researcher? Are they truly narrating incidents to you, the reader, and making observations about events that can be observed (or imagined) rather than those which can be learnt about? Are they cognizant of their own biases, such as none of the characters in the above analogy being any gender other than male? Are they merely aggregating data to make static claims of events like this kerfuffle outside a bar, hoping to say something insightful to the Reader, Shift Manager or even the three men resisting these rules of admission? The Researcher has no answer to the final few questions, but in the end, would like to draw attention to the first page of the bar's menu card, which seems to encompass the goals for the establishment, and invites the Reader to make their choice to go in and drink, or never return to the bar again, their own.

*“WE, THE PEOPLE OF INDIA, having solemnly resolved to constitute India into a SOVEREIGN SOCIALIST SECULAR DEMOCRATIC REPUBLIC and to secure to all its citizens:*

*JUSTICE, social, economic and political;*

*LIBERTY of thought, expression, belief, faith and worship;*

*EQUALITY of status and of opportunity;*

*and to promote among them all*

*FRATERNITY assuring the dignity of the individual and the unity and integrity of the Nation;*

*IN OUR CONSTITUENT ASSEMBLY this twenty-sixth day of November, 1949, do HEREBY ADOPT, ENACT AND GIVE TO OURSELVES THIS CONSTITUTION.”*<sup>111</sup>

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<sup>111</sup> The Constitution of India, “Preamble” 1950

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# Appendices

## *Dramatis Personae*

### 1. Bargi

Bargis refer to a class of cavalry mercenaries who belonged to the Maratha Empire and were involved in the Maratha invasions of Bengal (1741–1751). Their role within the conflict was to contest the ascension of Alivardi Khan as Nawab of Bengal in 1740, and their annual raids targetted civilian, agrarian and military centers alike. The prevalence of maratha raids remains within the collective consciousness of the Bengali identity, and even after the cessation of the power struggle in 1751 references to widespread poverty caused by extortionate taxation and violence are passed down through art and folklore.

### 2. Bhimrao Ramji Ambedkar

Bhimrao “Babasaheb” Ramji Ambedkar (14 April 1891 – 6 December 1956) is one of the most important figures in Indian Legal and Political History. Heading Indian committee drafting the Constitution of India and the First Law and Justice minister in the first cabinet of Independent India, Ambedkar was a prolific writer, policymaker, jurist and social reformer who actively championed the rights of citizens from the Lower Castes. Having suffered such discrimination and famously criticising the State and the Hindu religion publicly for continuing the plight of such classes of people, he continues to dominate the discourse on social inequality and representation within modern political movements, with his name (Jai Bheem) being used as a salutation by many.

### 3. Charu Majumdar (1919-1972)

Charu “CM” Majumdar was a politician and revolutionary who authored the “Historic Eight Documents” between 1965-67 and led and continues to inspire the Naxalite insurgency across the Indian peninsula. Born into a family of landlords and an ideologue from a young age during the freedom struggle, CM joined the banned Communist Party of India in 1939 and engaged in political movements like the

Tebhaga movement of 1946 after the Bengal Famine; and post-Independence he continued to agitate largely peacefully until his authoring of the Historic Eight Documents and formulation of the All India Coordination Committee of Communist Revolutionaries which in 1969 founded the Communist Party of India (Marxist–Leninist) with him as its General Secretary. Such was in the aftermath of the Naxalbari uprising of 1967 and his endorsement of an ideological foundation for violent revolution against the Indian state on communist principles.

He was expelled from the Communist Party of India alongside many of his compatriots, locked in a power struggle between the CPI as the incumbent government of the State of West Bengal, and the violent “Naxalites” following CM and other factions. He was detained in 1972 during a spell of bad health in his hideout at Calcutta, after which his death has been speculated as either a result of custodial torture or aggravated untreated illness; and in spite of the numerous fragments and branches of the Naxalite movement in India at present, almost all revere CM and mourn the day or week of his passing as a mark of respect for his role in creating the framework for the movement.

#### 4. D-Company

D-Company refers to coined term for a specific crime syndicate founded and controlled by Dawood Ibrahim with foreign assets held up across many countries and operatives being listed on and off of international organized crime watchlists.

#### 5. Dawood Ibrahim (1955)

Dawood Ibrahim is an Indian mafia gangster, drug kingpin, and a terrorist wanted for his role in the 1993 Bombay blasts and his financial leveraging of other terror, smuggling, drug trafficking and racketeering organisations operating in Mumbai, India and beyond. Dawood was involved in a slew of criminal enterprises from 1976 and was the founder of the infamous D-Company and is known mainly for his role behind one of the deadliest terrorist attacks in modern history. Having absconded India for Dubai in the 1980s and Dubai for Karachi since the Bombay Blasts, he remains an elusive remnant of one of the most ruthless criminal syndicates of the Mumbai underworld and continues to evade capture or containment due to his ties with the State and Pakistani Armed forces.

#### 6. Jagat Singh Virk (1901/02 – 1931/32)

Better known as Jagga Jatt or Jagga Daku, JSV was a 20<sup>th</sup> Century rebel who began his career as a bandit during the British Raj after local feuds in the Kal Mokal village (in Modern Pakistan) compelled him to evade authorities and combat ostensible false charges (the accuracy of their falsehood bears little historical evidence) and subsequently engage in robberies, threatening of colonial police personnel and other wealthy families in Punjab. He is valorised as “Robin Hood of Punjab” for positioning his banditry against the wealthier upper classes and the colonial government and his incidents of fighting other established rebels and regional figures have long been incorporated into Punjabi folklore in both India and Pakistan. JSV was murdered in 1931-32 by treachery from another notable bandit, with his death also being twisted into heroic sagas of betrayal, often distorting the events to malign other figures who acted adversely to his operations (like the British Colonial government) and other claims of perfidious bandits and women; with his fellow relative and gang member Roop Virk being attributed as the successor in the formation of what would be known as the ‘Badblood Family’ who were bandits operating out of Lahore and Jalandhar. Through art, music and folktales, the figure of JSV as a well-meaning bandit, a heroic rebel against the British and a tragic figure persist to this day.

#### 7. Koose Muniswamy Veerappan (1952-2004)

Veerappan was an Indian smuggler and the ringleader of a sprawling criminal enterprise which conducted acts of terrorism, illicit trade of ivory and sandalwood, kidnapping and ransoms as well as numerous murders alongside miscellaneous other militant groups involved in the Sri Lankan conflict to commit crimes across the Cape of Comorin. The nephew of an established sandalwood smuggler, he quickly made himself indispensable to his uncle’s operation, and through a combination of personal flair (with his moustache being the most iconic touchstone of his persona) and a strong propensity to violence, he went from his first arrest for smuggling in 1972, to committing his first murder at age 17 and being involved in the murder of forest officials, counter-smuggling police personnel and informants. He eventually went on to be involved in the abduction of film actors, retired politicians, and police

personnel, was personally involved in the Palar Blast in 1993 killing 22 policemen with landmines; and was fighting other bandit groups, police forces and national security forces till his torture and extrajudicial execution in 2004, having racked up a ledger of around a 184 murders and millions of dollars in smuggled goods.

Veerappan was a veritable terror in his life and was constantly involved in many avenues to cement his dominance over criminal activities in South India and Sri Lanka, including making political overtures resulting in political parties like the Pattali Makkal Katchi and the Vanniyar Sangam being involved in efforts to rehabilitate his image as a regional figure. Reviled even by his own village of birth, the killing of Veerappan sparked a flurry of films, TV Shows and numerous counter-terrorist special organizations being forced to partake in jungle warfare.

#### 8. Mizo National Front

The Mizoram National Front is a regional political party and political organization with its roots in early modern India as an organization for the participation and political expression of a portion of the peoples of the modern-day State of Mizoram in India. Founded in 1961 and being the progenitors of the Mizo Uprising of 1966 and the continuous rebellions between 1967 to 1986 under the leadership of personalities like Laldenga, the organization spent much of the 1960s to 1980s as an illegal militant separatist organization involved in a guerrilla campaigns, necessitating Airstrikes in cities like Aizawl by the Armed forces. In 1986 in exchange for amnesty and reduced sentences, the political party was unbanned and signed the Mizoram Peace Accord of 1986, granting it many political and regional concessions, and changing its character back to a political party. It remains politically active and has been resistant to the remnant insurgency in the region, though has always been critical of the Indian Armed forces and its empowering legislations like the Armed Forces Special Powers Act.

#### 9. National Naxalite Movement

The Naxalite-Maoist movement refers to Left wing extremist groups self-identified as Naxalites or Naxals who endorse a violent communist overthrowal of what they allege is an exploitative State, engaged at both the Federal, regional, and

local levels simultaneously. The area wherein this conflict has and continues to transpire covers much of Eastern and Central India, covering an estimated 41 districts spread out between the States of West Bengal, Bihar, Jharkhand, Chhattisgarh, Orissa, Maharashtra and Madhya Pradesh, though the active conflict zones can be estimated to subsist in 25 districts based upon the latest publicly available data sources. The movement bears a complex history of violence and chaos over the “Red Belt” where their influence at the peak of their power extended to 91 districts and involves a tussle between several communities who were systematically oppressed and disaffected even prior to the Independence of India and took up arms in the mid-1960s against the government. The flashpoint of the uprising can be tentatively identified as 1967 Naxalbari uprising wherein a clash between tribal citizens and landowners spiralled into violent clashes and ambushes against police officers.

The movement was led by Charu Majumdar, Jangal Santhal and Kanu Sanyal, who were initially a breakaway faction from the existing Communist Part of India (CPI) calling themselves the CPI(Marxist Leninist) and seeking to both engage in electoral politics and clash against the incumbent CPI within the State of West Bengal in the early 1960s. It is the tragic yet ironic clashes between a sitting electoral communist leaning political party and a breakaway extremist faction that spiralled into an interstate rebellion that has persisted for almost 60 years. The Naxalite movement since the death of Majumdar (allegedly from torture in custody) has been largely fragmented and without a coherent hierarchy of leaders, allowing them to exist as a loose federation of like-minded but disunited rebels who posit themselves as the representatives of oppressed tribal and indigenous peoples, landless poor agriculture workers and opposed to “class enemies” who include landowners, civil servants, businessmen and university teachers, and of course the army and police forces. While often referenced together as Naxalites / Maoists, all of these splintered factions have acted independently, but in a loosely coordinated manner to lock down entire districts from the State, stopping all taxation, trade, resource extraction and developmental projects from occurring.

#### 10. Narmada Bachao Aandolan

The Narmada Bachao Aandolan refers to a series of protests against the construction of hydroelectric dams on the River Narmada as early as 1969 which overtime morphed into an array of social causes banding together for ecological preservation, welfare of indigenous peoples and sustainable development. Continuing processes like body blocking trees from the colonial era “Chipko movement” and other calls to action, the Protests were not only successful in overturning the planned project but also provided a body of texts, folklore and legal sources that continue to influence public policy. The movement has been awarded and is the subject of many documentaries on the successes of grassroots democracy in the global south.

#### 11. Rashtriya Swayamsevak Sena

The RSS is a hindu right-wing paramilitary organization founded in 1925 as an organization for the expression of hindu military valour. A disruptive force during the Freedom Struggle due to their absence in movements against the British, the organization was banned three times, though never permanently. The Assassin of Gandhi, Nathuram Godse is revered as a prominent member by its present cadres, which seek to synthesize the Youth organizations and paramilitary offshoots of the Mussolini’s Fascist Party and the Hitler Youth; with their growing influence on popular discourse on the theocratic hindu identity of the State of India. While not a political party itself, it is the churning grounds for many present and past members of Right Wing parties in India and enjoys a position of support amongst the BJP led governments from 2014.

#### 12. Shaheen Bagh Protests

In the aftermath of the controversial Citizenship Amendment Act, 2019, an array of protest movements were conducted across India. The primary demand was the classification of religious groups that could receive *de facto* recognition as citizens if they entered the territory of India and resided there after 1971. Sections of this treaty granted such a *de facto* mechanism to all individuals being examined before competent tribunals, save those who belonged to the Muslim faith, with the provision

masquerading as affirmative action. These protests were largely organized separately, with the eponymous protests being a sit in protest conducted near the gardens at Sheen Bagh which ended with the incidence of Covid19 lockdowns and persisted in spite of the Delhi Riots of 2020.

### 13. Socialist Council of Nagaland

The NSC(Kaplang) is one of numerous militant organs of the Naga separatists operating out of India and Myanmar in order to secede from the Union of India. After rejecting the Nine Point Agreement in 1947 many political groups under the leadership of figures like Angami Zapu Phizo declared independance of the naga peoples and the land the ethnic group claimed as their sovereign domain, and such organizations have been fighting a sporadic but consistently violent secessionist movement against the Indian union and have committed acts of violence against the Military Junta in Myanmar who have attempted to seal their insurgency within Indian borders. Most seperatist groups like the NSC(Kaplang) have witnessed a renewed resurgence of armed conflict and popular support after the murder of 14 Indian citizens who were nagas by the Indian Army on suspicion of illegal activity under the Armed Forces Special Powers Act 1958.

### 14. Paan Singh Tomar (1932-1981)

Paan Singh Tomar was an Indian citizen who served as a soldier wherein his talents for running led to his tenure as a sportsperson for the 1958 Asian Games. Subsequent to his service he became a *baaghi* or rebel in the Chambal valley after his retirement from the armed forces in 1977 over a land dispute. He and a few close family members were involved in the killing of 8 other residents of the village, resulting in an encounter on 1 October 1981 wherein he was cornered by local police and killed after a 12-hour standoff. His legacy was commemorated by an eponymous movie in 2012 directed by Tigmanshu Dhulia, wherein many of his questionable discriminatory actions and conduct were glossed over in light of highlighting the fall from grace of a promising national athlete. His story is reasonably reflective of the creed of bandits and dacoits in the Chambal valley who exploited the burgeoning

mining sector, deep communal and casteist sentiments and deep-seated political corruption allowing exploitative landlordism and labour exploitation.

#### 15. Phoolan Devi (1963-2001)

Remembered by her title as “The Bandit Queen”, Phoolan Devi was an Indian citizen who was involved with many gangs from a young age on account of caste-based land disputes involving her family which resulted in her sexual abuse at the hands of other villagers in the Galun District of Uttar Pradesh. She subsequently became embroiled in gang related violence between numerous castes wherein her attacking of her rapists and other upper caste families involved in other offences earned her much social credit, leading up to the Behmai massacre in 1981; forcing a decisive investigation by the Central government and the resignation of Chief Minister of the state of Uttar Pradesh, V.P. Singh. She surrendered to the government in 1983 in exchange for favourable terms for her family and reduced sentences for her followers and having served a 11-year term at Gwalior prison, she was released by the Mulayam Singh led State government of Uttar Pradesh and she joined their party, serving as a (elected, unseated, re-elected) member of the Legislative Assembly until her assassination in 2001 by Pankaj Singh Pundir (alias Sher Singh Rana).

Her life was turned into a movie in 1994 named “Bandit Queen” by Shekhar Kapur, a film she actively disliked and sought to suppress due to its sensationalist telling of her life. Her legacy remains controversial due to her struggles against sexual abuse by upper caste men and targeting of wealthy factions across villages in Uttar Pradesh making her both reviled and venerated in equal measure. Her visible role as bandit and political leader echoes strongly with the Social Banditry prescription of Hobsbawm and casts light on a notable exception to the male dominated, money minded factionalism that tends to dominate regional organized crime.



## Maps and Photographs

*Present here are all relevant maps and photographs used as illustrations and graphical supplements to the text. They are organized in the order they were used.*

1. The Hosting of a “Black Day” to commemorate Mahatma Gandhi’s 150<sup>th</sup> Birth Anniversary by members of the Bhartiya Janta Party (BJP) and the Rashtriya Swayamsevak Sena (RSS).

[Citation: Kakvi, Kashif. “BJP RSS workers observe ‘black day’ on Gandhi Jayanti in MP’s Chhatarpur, booked by police” National Herald 2020]



Indicative of changing paradigms of support and veneration, but the arrest and punishment of such individuals by government authorities reflects the paradoxical popularity of Gandhi in modern times

2. Protest demanding “Bodoland”, one of many regions seeking regional self-determinism within the Union.

[Citation: Prawal, Partha “Decoding Statehood Demands” Magzter 2017]



This picture represents one of the several protests and organized movements seeking a recognition of a localized government and polity. There are few entities that have acquired such a status, the latest being Telengana separating from Andhra Pradesh. These demands are on a diverse array of grounds, as States (Regions) within India have been delineated for administrative, linguistic, historical and cultural reasons alike. Such makes it difficult to label all such demands as ethno-centric.

3. Commemoration of the Riots at Bheema Koregaon in 2019 by the “Bheem Sena” bearing flags uttering “Jai Bheem”.

[Citation: News18 “Bhima-Koregaon Anniversary LIVE: Thousands Pay Tribute at 'Jay Stambh', Bhim Army Chief Set to Visit” 2019]

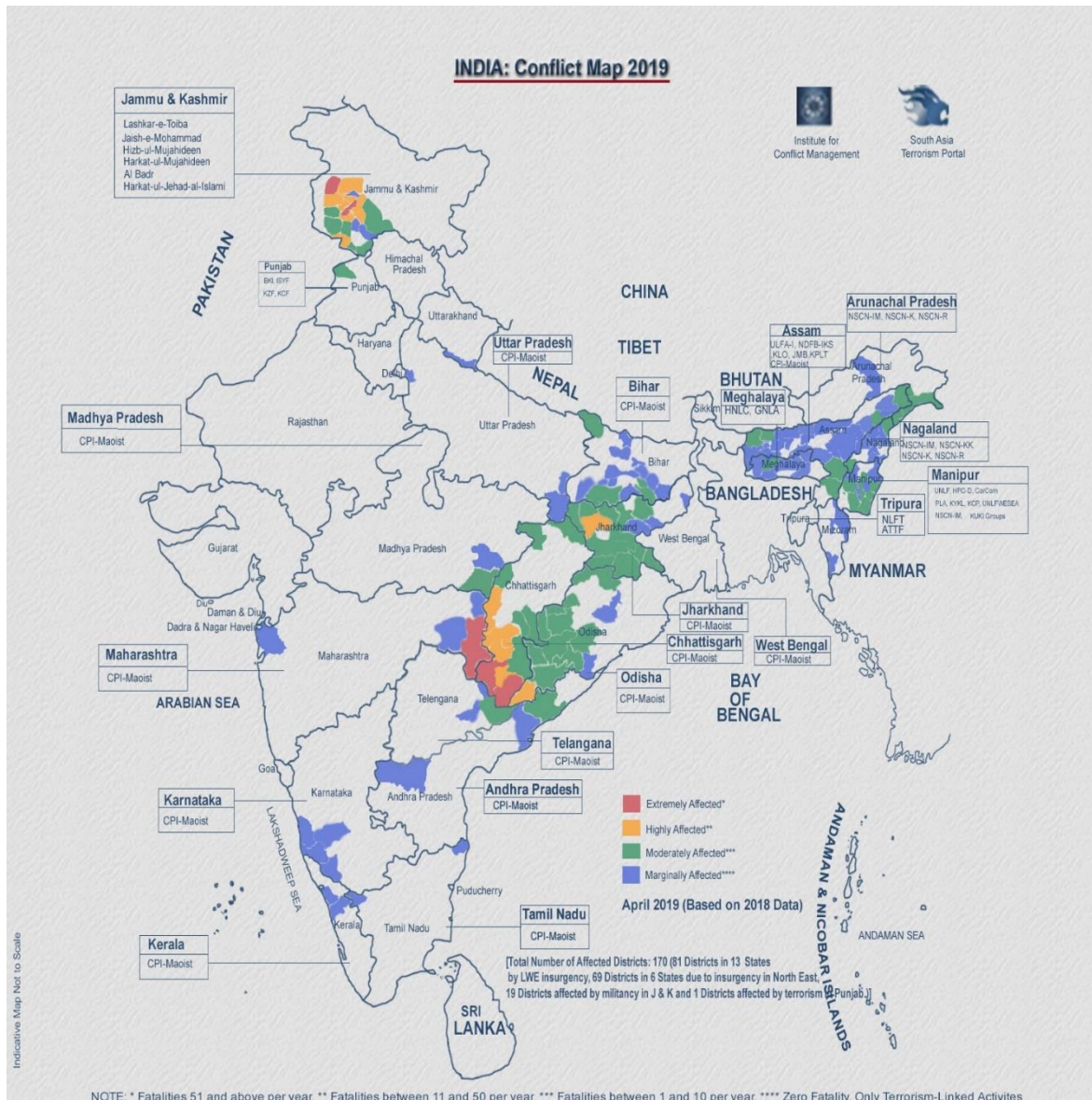


In 2018, members of the “Bheem Sena” a Political Pressure Group got into violent skirmishes on the commemoration of the Third Anglo Maratha Conflict wherein the Marathas were defeated by British Forces. This commemoration was diverted by the Bhim Sena as a political protest, resulting in violent fights between Mumbai police and 300,000 protestors.



#### 4. South Asia Terrorism Portal: Map of India (Conflict Map) 2019

[Citation: South Asian Terror Portal. South Asia Terrorism Portal: Map of India (Conflict Map) . 2019. <https://www.satp.org/conflict-maps/india.>]



This map collates information collected on Insurgency and Armed Separatism with data on Terrorism to make a consolidated map of conflict zones. While this data is 6 years old at the time of writing it remains the most updated map containing all requisite information used in this thesis.

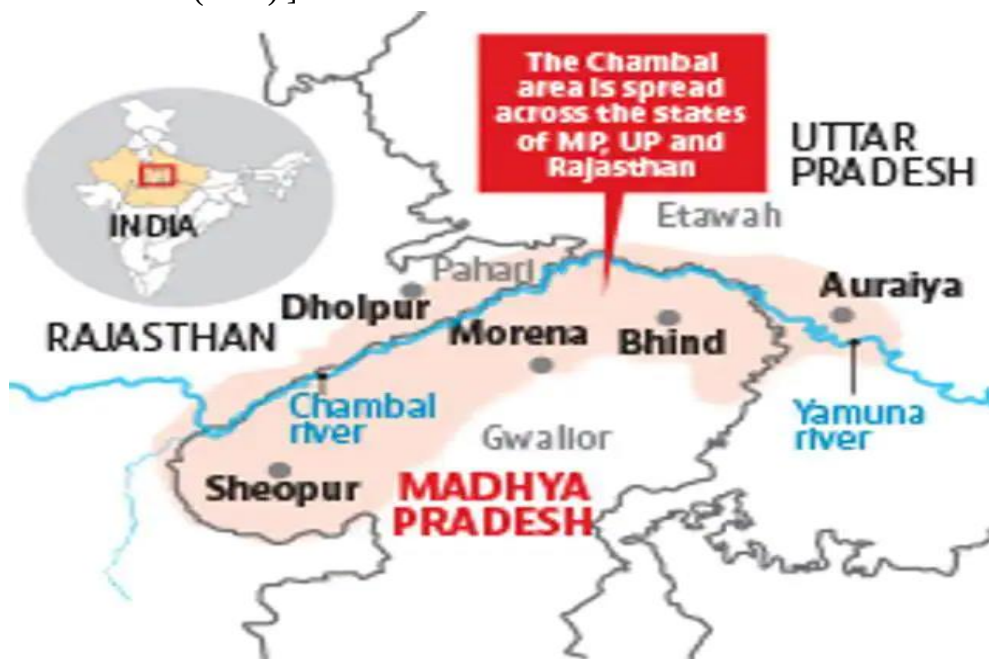
5. Map of Veerappan's Sphere of Influence

[Citation: Stephen David, Arun Ram "Tamil Nadu, Karnataka renew joint operations to capture Veerappan, but a little too late", India Today, 2002)]



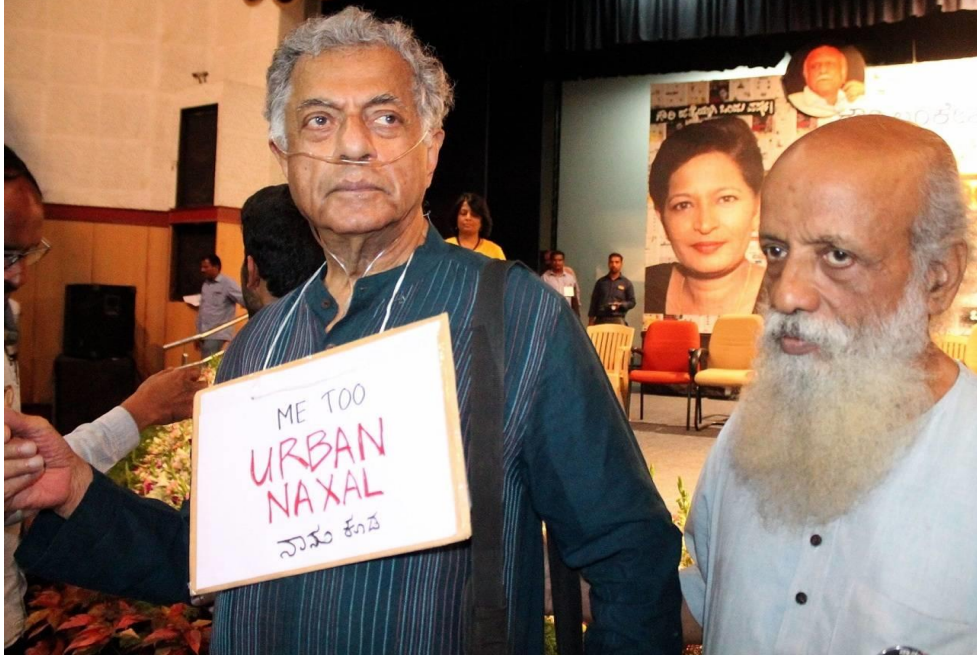
6. Map of Chambal Area, Infographic by Sanjay Kapoor, Hindustan Times

[Citation: Banerjee, Poulomi. *Why Chambals dacoits didn't ride into the Sunset*. Hindustan Times (2017) ]



7. The late Girish Karnad, renowned Film Director wearing a sign wearing “Me Too Urban Naxal” to satirize

[Citation Press Trust of India “ Karnataka: Plaint against Girish Karnad for holding 'Me Too' ” Times of India 2018]



The protest was in 2018 marking the one year anniversary vigil in the aftermath of the killing of Gauri Lankesh, a prominent journalist in Bengaluru for her anti-government coverage and opinions. This monicker is often deployed by proponents of the BJP regime to describe derisively their opponents.



8. A Controversial newspaper advertisement taken out by the Karnataka Government's in the Sunday Herald on the eve of India's 75<sup>th</sup> Independence Day, 14 August 2022

[Citation: Press Trust of India "Karnataka govt omits Nehru, includes Savarkar in ad on freedom fighters; Congress sees red" The Week Magazine 2022]

**SUNDAY HERALD**  
AUGUST 14, 2022 (METRO) PAGES 40-41 INCLUDING BANGALORE TIMES  
INDIA'S LARGEST ENGLISH NEWSPAPER

**Let's be inspired by the sacrifices of our freedom fighters and emulate their selfless patriotism.**

**Shri Narendra Modi**  
Hon'ble Prime Minister

**Shri Basavaraj S. Bommai**  
Hon'ble Chief Minister

**Har Ghar Tiranga**  
13<sup>th</sup> - 15<sup>th</sup> August 2022

The history of India's independence movement is filled with the sacrifices of millions of Indians. Today, as we celebrate India's 76<sup>th</sup> year of independence, we must remember and pay tribute to them and take the pledge to emulate their selfless patriotism.

**Jhansi Rani Lakshmbai: An epitome of bravery and courage, Rani Lakshmbai strapped her son Dumodar Rao on her back and fought the British bravely.**

**Freedom Fighters:**

- Mahatma Gandhi**  
Known as the Father of the Nation, he used both and non-violent as weapons to fight the British and gave a new direction to India's freedom struggle.
- Subhash Chandra Bose**  
A great patriot, he gave the slogan "Give Me Blood, and I Will Give You Freedom" and inspired millions of youth to join the freedom struggle.
- Vallabhbhai Patel**  
Known as the Iron Man of India, he single handedly secured the integration of India. He earned the title "Sardar" for his participation in Bardoli campaign.
- Bhagat Singh**  
The brave Bhagat Singh gave form to his vision of patriotism till his death and was one of India's most radical revolutionaries. He was sentenced to death at the age of 23.
- Chandrasekhkar Azad**  
An Indian revolutionary who organized and led a band of militant youth during India's independence movement. He was executed in 1931.
- Revolutionary Savarkar**  
Vijaya Damodar Savarkar published several books which inspired the Indian independence movement through revolutionary thoughts. He was imprisoned in Andamans, Nicobar and sentenced to lifetime term.
- Lala Lajpat Rai**  
Known as Punjab Kesari, he died in a Lathi charge by the British during a Simon Commission demonstration in 1928.
- Bala Gangadhar Tilak**  
An outstanding Indian freedom fighter, he initiated the slogan "Swadeshi is my religion". He started schools and published periodicals to resist the British rule.
- Bipin Chandra Pal**  
Known as the Bengal Tiger, he encouraged people to boycott goods and shops of the British. One of the most ardent architects of Swadeshi Movement.
- Dr. B. R. Ambedkar**  
The architect of the Indian constitution and a towering personality, he is known for his fight against untouchability and inequality.
- Lal Bahadur Shastri**  
The second Prime Minister of India who gave us "Jai Jawan, Jai Kisan" slogan. Participated in Dandi March and Non-cooperation Movement.
- Maulana Abdul Kalam Azad**  
He played a crucial role in India's independence movement as an influential Muslim leader. He came to the fore during the Khilafat movement.

**...Likewise millions of Indians have fought for India's freedom.**

**In Karnataka**

- Kittu Ravi Chennur**  
The first Indian to resist against the British. He defied the British in 1824.
- Gangoli Raghava**  
A freedom fighter, he was the army chief of the kingdom of Kittu. He waged a guerrilla war against the British.
- Kanakadasa Channarayana Mangaluru**  
Played a vital role in India's independence movement and political transformation.
- Karmad Sadashiva Rao Mangalore**  
He joined the freedom movement in 1917. He was the first person from Karnataka to join Gandhi's Satyagraha movement.
- Nittur Srinivasa Rao Tumkur**  
A true Gandhian, he actively participated in India's freedom movement.
- Subbarao Gubbamant**  
A symbol of patriotism, he was hanged by the British in front of Madikeri Fort in 1937.
- Madana Mahadevappa Madikeri**  
The only person from Karnataka who participated in the Dandi March with Gandhi.
- Umabai Kandappa Hubballi**  
She organized a large number of volunteers to participate in the freedom movement.
- K. G. Gokhale-Belagavi**  
His pioneering efforts inspired the people to participate in the freedom struggle.
- Gangadhar Rao Dharwad-Belagavi**  
He was pivotal in ensuring that the 1929 Congress Session was held in Belagavi.
- N. S. Hanthar Dharwad**  
He lectured and sold books to promote indigenous industries among the masses.
- R. S. Sukkarikar Dharwad**  
Started Bharmasaheb newspaper to ignite the spirit of freedom among people.
- Benarasa Hanthar**  
Karnataka's Gandhi, he actively participated in Swadeshi Movement.
- Chandrahekarach Hanthar**  
He was known as Sulliman (Thunderbolt) and Sulliman Chandra Rao of the Hanthar region.
- Marayana Chikhalagappa Channarayana**  
A freedom fighter, he was known as the "Gandhi of Karnataka". He was hanged by the British in 1937.

An emblem is our Constitution... to safeguard public property and to secure violence is the fundamental duty of every citizen of India.

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### ***Vita***

Anubhav Banerjee is a law graduate having spent most of his life in India where he completed his dual Bachelor's degree in Law and Arts (BA-LLB Honors) from School of Law Christ (Deemed to be University) Bengaluru. Having pursued a Masters in International Studies at the Diplomatic Academy Vienna, he now seeks to apply his academic foundations in pursuing other professional and personal interests. His academic interests are diverse, culminating in this Interdisciplinary thesis and by and large span the domains of Law, Political Science, History and Historiography and Philosophy. Professionally having interned with many lawyers, including the Additional Solicitor General of India, he is particularly interested in the interplay of language, power and institutions within the developing world.

### ***Pledge of Honesty***

*“On my honour as a student of the Diplomatische Akademie Wien, I submit this work in good faith and pledge that I have neither given nor received unauthorized assistance on it.”*

Anubhav Banerjee



(Signed 9 June 2023)