

India That Is Bharat

The Politics of a National Name

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A recent writ petition on renaming India as Bharat, which got dismissed by the Supreme Court, is discussed. There are political motives behind naming or renaming a place, but Hindustan, Bharat, and Hind—are all part of the package that is India.

Earlier in June, the Supreme Court of India heard a writ petition that sought to remove the name “India” from Article 1 of the Constitution. As it stands, Article 1 reads: “India, that is Bharat, shall be a Union of States.” The petitioner argued that the national name “India” was one given by the colonial Raj, and was thus a symbol of slavery. As legal principle, the petitioner proffered Article 21, the fundamental right to life and personal liberty, to argue that the continued use of such a colonial relic violated the citizens’ right to call their nation by its rightful name, “Bharat.” “Bharat,” the petition added, is favourably associated with the legacy of the anti-colonial resistance, and was therefore preferable. Seeking the exercise of the Court’s writ jurisdiction in public interest, the petitioner sought the direction to the union government, through the Ministry of Parliamentary Affairs, to remove the allegedly offensive national name via an amendment to Article 1 of the Constitution. On 3 June 2020, the Supreme Court

dismissed the petition with the advice that it be treated as a representation by the appropriate Ministry. “(W)e can’t do it,” the Court reportedly said (*Indian Express* 2020).

Past Efforts

This is not the first attempt to use the force of law to change the national name. Past attempts at effecting an amendment to Article 1 include three private members’ bills that were moved in Parliament in 2010, 2012, and 2014. The 2010 and 2012 bills, both of which lapsed, were moved by Congress member of Parliament Shantaram Naik. The Naik bills distinguished between the territorial expression contained in “India” from the emotive–patriotic power of “Bharat,” finding the latter preferable. The 2014 bill was moved by Uttar Pradesh Chief Minister Yogi Adityanath. It proposed the replacement of “India” with “Hindustan” so that Article 1 once reordered read “Bharat, that is Hindustan ...” and echoed both the “traditional names” of the country. Interestingly, Adityanath’s bill is appended in support of the recent writ petition.

The Supreme Court itself heard a similar petition in 2015 by a bench headed by then Chief Justice of India H L Dattu. The bench had sought responses from the government, but the matter was dismissed some months later by the successor

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chief justice of India T S Thakur in 2016. Justice Thakur had then strongly reprimanded the petitioner's advocate for misusing a forum meant for the "poor" (Sinha 2016).

This brief history itself ought to have been enough grounds for the Court to not waste precious judicial time. The Court's jurisdiction does not extend so far as to direct other state institutions to amend the Constitution. This is a power that, according to the constitutional structure, vests in Parliament representing the will of the people. Considering this, it is strange that the matter was listed before, moreover briefly heard by, the chief justice's bench. But other curiosities skirt the petition. The identity of the petitioner "Namaha" and their motivation for approaching the Court in public interest are unclear and not specified in the petition. In the section on "relevant dates"—an important component of pleadings submitted to the Court—there is no reference to past attempts at amending Article 1. Instead, the petition leaps from 1948, when Article 1 was discussed in the Constituent Assembly, to the present moment as if none of the events described above had occurred in the intervening period.

Three Names

The Constituent Assembly did not spend much time on the issue of renaming India. Much of the discussion focused on the latter half of Article 1, and the federal relationship it suggested. A closer reading of the assembly's debates reflect that several other "traditional" names for India were in the running. These included Aryavarta, Hind, and Bharatavarsha. When the draft of Article 1 was introduced, many members seemed pleased at the retention of the "ancient name" Bharat (GoI 1948). A few sought to reorder the article so that the ancient name preceded the "alien" one (GoI 1949).

Catherine Clémentin-Ojha points out a third name that was never actively considered by the assembly but was colloquially used by most members to refer to the nation in their speeches—"Hindustan." For reasons unspoken, it then appears that "three names had been at the start of the race, but at the end

two had been placed on equal footing and one dropped." Although "Hindustan" was colloquially dominant, "Bharat" was eventually preferred (Clémentin-Ojha 2014). There are several interconnected reasons why "Bharat" may have been preferable. Clémentin-Ojha indicates the Puranic roots of Bharat, used in the Vishnu Purana and Markandeya Purana to refer to a spatial entity nestled between the Himalayas in the north and the seas in the west, south, and east. She further suggests that Bharatvarsha is a "socialised" invocation of territory, for it indicates *karmabhumi*, a land where one reaps the rewards of one's karma. In this literature, Bharat is not a political entity as we understand it today. However, accounts of the legendary King Bharat who united all of South Asia are popular in nationalist imagination, and are found in Jawaharlal Nehru's *The Discovery of India* as well.

But as Benedict Anderson (1983) says, the work of nationalism lies in the imagination of the community. Manu Goswami (2004) shows that the imagination of "Bharat" as historically determinate and territorially congruent with colonial-era India happened in the second half of the 19th century in northern parts of India, and that this heralded the constitution of nativist identity projects. This is around the time when Bankim Chandra Chattopadhyay's "Vande Mataram" ingrained the feminised idea of the nation in anti-colonial resistance against the partition of Bengal. Shortly thereafter, the nationalist figure of Bharat Mata manifested in rallying cries and visual form, often juxtaposed against territorial borders, invoking the "geopiety" of her children (Ramaswamy 2010). "Bharat" remains, as our petitioner argues, the crucial link to the legacy of the anti-colonial struggle, and through it, to nationalist reveries of the precolonial continuity of the Indic civilisation.

The ways in which Indian constitutionalism, particularly at the founding moment, draws its legitimacy from anti-colonial nationalist resistance remains woefully underexplored. It was, perhaps, this legitimation that the framers sought to retain by adding "Bharat" alongside the more pragmatic "India" in Article 1.

This legacy has, however, been important ever since in structuring political and legal discourse in the country, as the living contestations over nationalist icons and leaders attest.

On the other hand, the exclusionary possibilities of "Hindustan" as the land of the Hindus may have been a reason why it was never discussed as a possible name for the nation. Interestingly, two unlikely figures, V D Savarkar and Mohammad Ali Jinnah, were united in their preference for "Hindustan," which they felt more appropriately described the nation (Savarkar 1922; Devji 2013).

What Is in a Name?

Names are powerful political expressions. The renaming of public places, roads, and cities, which our petitioner cites approvingly, is an expression of the state's authority to its citizens. Perhaps for this reason, indigenous people in settler colonies have resisted the impositions of colonial names, and have been fighting to retain native place names (Berg and Kearns 1996). National names express sovereignty but also signal the essence of the nation. The politics of naming is closely allied with the attempt to organise public memory around a state-preferred version of the historical past.

What role does the law play in this politics of naming? One consequence of juridical baptism is the structuring of public discourse—what can be said, what cannot be said, and how one should speak—with important legal consequences on the freedom of speech and expression. European laws against the denial in public of the Holocaust raise such concerns (Bealvusau and Grabias 2017).

But there are other, more insidious concerns that arise from legally endorsed names, which is the violence of un-naming and the consequent impermissibilities of imagination. For instance, the day after the Court dismissed this petition, the Karnataka state government directed its functionaries to avoid the word "Dalit" in official communication. This order is based on a 2018 advisory issued by the union government to the same effect (GoI, Ministry of Social Justice

and Empowerment). The ostensible rationale is to adhere to the constitutional nomenclature, that is “Scheduled Caste” in English or in equivalent vernacular forms. Literally translated from the Marathi language, “Dalit” means a broken people. The anti-caste resistance, led by B R Ambedkar, turned this interpretation upside down so that the word is a powerful symbol through which to assert the dignity and unity of a historically oppressed people. Fidelity to legal names becomes an instrument through which to deny such possibilities.

The renaming of places in India imposes similar denials of memory. Allahabad is now Prayagraj, Mughalsarai railway station is Deen Dayal Upadhyay, New Delhi’s arterial Aurangzeb Road is now A P J Abdul Kalam Marg, to name a few. Our petitioner cites this spate of place renaming as one of the reasons for his request to the Court. Yet, in what is a delightful Freudian slip, he finds such renaming in accordance with “the Indian ethos” (sic; emphasis mine). “India” proves much more difficult to expel from “Bharat,” or so it would seem!

But there is a reason why the nation’s multiple names—India–Hindustan–Bharat–Hind—roll so equivocally off our tongues. As much as their actual content has varied across ideological and political spectra, this multiplicity reflects the many aspirations, ideas, and people that have been echoed through the form of the nation. One may go so far as to say that a nation that corresponds to either India or Bharat alone does not exist.

What exists beyond doubt is “India, that is Bharat,” but very often is also Hindustan, and more occasionally, Hind.

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