

4 Old Differences and New Hierarchies

The Trouble with Tribes in Contemporary India

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The desire for fusion or the desire to murder constitute the double modality of an essential trouble that agitates us in our finitude. To swallow, or to annihilate others—and yet at the same time wanting to maintain them as others, because we also sense the horror of solitude (which is properly the exit from sense, if sense is essentially exchanged or shared).

—Nancy (2007: 12)

It may even have been at the very first lecture that I ever attended for my Master's at Jawaharlal Nehru University (JNU) that Dipankar Gupta drew our attention to the distinction between *difference* and *hierarchy*, and its purchase for understanding the structures of stratification in any society and of Indian society in particular. His argument regarding the salience of this distinction, which he first made in 1991 (Gupta 1991a, 1991b), and then on at least two further occasions (Gupta 2004, 2005), is perhaps the most important and productive intervention in understanding the mutability of caste hierarchy in contemporary India, even though it has seldom been taken up beyond the context of caste in politics.

Hierarchy, according to Gupta, is but just one principle, and not the essence, of social stratification. This is as true for India as it is for other societies. The trouble is, he says, that in our analysis of stratification in Indian society, we have paid too much attention to hierarchy and that too as it is represented in the Brahminical world view (1991a: 11). It is when we take the concept of difference seriously, or the principle of making *qualitative* (as opposed to *scalar*) distinctions can we begin to understand not only non-Brahminical world views as competing hierarchies but, more importantly, how other modalities of difference are mobilized to constitute new hierarchies (Gupta 1991a; see also Gupta 2005). In this essay, I examine

the reasons and the implications of placing an overwhelming weight of scholarly attention on hierarchy for understanding the multiplex of social formations in contemporary India. In particular, I focus on the category of tribe to unpick the difficulties in broaching the question of difference, and to understand the mutability of the category in recent years.

It is not without reason that hierarchy has remained a dominant trope for understanding the morphology of Indian society. Caste dominates the way we think of Indian society and its basis of differentiation. In scholarship, this owes a great deal to the centrality of Louis Dumont's seminal *Homo Hierarchicus* (1998 [1970]). Even though today the Dumontian model is discounted enough so as to not dominate explanations of the caste system, hierarchy remains the dominant trope for thinking and writing about the Indian society. The reasoning for this seems to be that caste after all is the dominant reality of the vast majority of Indians, whilst some argue its force seems to be now waning in organizing everyday life (Béteille 2012). However, what cannot be discounted is that caste and its effects cannot be understood in isolation from the scholarship about it, especially insofar as this scholarship has historically informed and continues to inform spectacular as well as innocuous state practices. A significant body of work has highlighted the significance of governmental technologies such as the decennial census and policies of positive discrimination based on these enumerative exercises in bestowing a systemic quality to caste as a language with which to interlocate with the state (Appadurai 1993; Cohn 1996; Chakrabarty 2002; Dirks 2001). Such an intermeshing of knowledge production and the political pursuit of caste as the grammar for conducting democratic politics has, thus, only calcified the dominance of the trope of hierarchy. As a result, other techniques of collective differentiation have come to remain outside, or at least marginal, to commonsensical understandings of Indian society.

Until recently, when other social formations began to assert their own politics of recognition, scholarship replicated the public marginality rendered to those enumerated as statistically insignificant. The 'tribe question', for example, received little attention in any mainstream discussion (scholarly or otherwise)—on social stratification,

electoral democracy, or identity politics. Intellectual agreements and disagreements, social solidarity and unrest, and state making and unmaking have pretty much gone about sidestepping the question of the existence of communities in Indian society that cannot be encompassed within either the framework of ritual hierarchy or then under the arc of world religions. This could not simply have been salutary neglect in the Burkean sense. Bêteille had once argued that in India, it is extremely difficult to disaggregate the agenda of government from that of anthropology, so that none of these categories of social distinction are available to study outside of technologies of government (1991: 59). I take Bêteille's insight further to suggest that the enumerative techniques of government are just one of the many reasons why the marginality of tribes was until recently mimicked or repeated in their discursive obscurity. The greater difficulty is the one presented by the question of *culture*, in large part because there has been little systematic and/or extensive discussion of the place of cultural difference (as opposed sociological differences of caste, class, gender) in relation to either state policy or indeed everyday social life. Moreover, for reasons that have to do with the birth of the postcolonial nation state, recognition of difference in contemporary India has been underpinned by the discussion on secularism, where religion is seen at once to be the primary and the maximal marker of categorical or heteronomous difference. Apart from religion, categorical difference (or culture) finds no basis for recognition within the constitutional framework because the question of difference has been colonized by sociological modalities such as caste, ethnicity, and gender, not in the least because they form important vectors for guaranteeing equality in postcolonial Indian law. I am not suggesting that there exists in contemporary India a purist separation between cultural and sociological differences. Rather, I believe that cultural and sociological differences are distinct assemblages that mobilize specific qualities which are not reducible to each other. For instance, religion as a sociological category encompasses its ability to produce a scalar difference in relation to others (majority/minority), whereas the cultural category of religion encompasses its theology, belief structures, ritual practices, etc. The sociological and the cultural overlap impinge on one another but, nevertheless, are involved in distinct fields of production. Discussions of

contemporary Indian sociality have been overwhelmed by sociological readings of *difference as inequality*, among other things, because of a nationalist commitment to social reform, including and especially that directed at caste. Whilst social reform against caste was unquestionably necessary, its force, combined with its historical pre-eminence, led to a neglect—in scholarship as well as in public discourse—of forms of difference that are not based in or around a scalar logic. At the same time, as this essay shows, through several processes of translation entailed in creating a coherent agenda of postcolonial social reform, differences that were not necessarily hierarchical in form, too, were incorporated within a scalar logic. Specifically for the question of tribe, even though scalarity is not constitutive of the category, through official processes of social identification and enumeration, it too is now encompassed within a scalar logic of social difference, as I discuss later. The material presented here shows that, ironically, in the attempts to recalibrate difference in postcolonial national society through the pursuit of policies of equity and equality, the logic of hierarchy has only become further entrenched.

In the rest of this essay, I focus on the constitutive nature of the category of tribes in India and discuss the kinds of difficulties posed by, what I call here, the culture question in relation to that of national society. I examine the discussions by, or on behalf of the tribal people at the eve of independence on their place in the postcolonial nation-state, with a view to excavating the genealogy of their current relationship with the state. The nature and language of the claims made by tribal members of the Constituent Assembly brings to light the difficulties in staking a role in the emergent multicultural nation state from the standpoint of heteronomous (as opposed to scalar) difference, that could neither be incorporated within the discussion on social reform nor secularism. Examining the discussion on tribes in the Constitutional Assembly debates from the standpoint of hierarchy and difference, I address the reasons why the debate on the future of tribes came to be formulated as a problem of potential for modernity and, therefore, became hostage to the (false) binary between the assimilationists and the isolationists. Within anthropology and beyond, the Ghurye–Elwin debate about whether or not tribes should become incorporated within the national mainstream

or, in some ways, be protected from the advent of modernity is well-documented (Guha 1999; Kapila 2008; Skaria 1997; Srivatsan 2005). What has remained obscured from view is *why* the debate on tribes came to be framed in these very terms in the first instance. Contemporaneous discussions on the upliftment of Dalits, whether in their self-representation or in official and legal discourse, were never posited in terms of their potential for modernity, and/or in terms of choice regarding opting in or out of its welfare corollary of 'development'. Instead, the ordinal disadvantage of Dalits was framed within an injury discourse, and in terms of historical harm inflicted through ritual hierarchy and its attendant practices that purported to produce species-like distinction between the twice-born and the Dalit castes. Positive discrimination was, thus, cast within a compensatory logic through which this historic injury exacted by ritual discrimination was to be redressed. Whether or not this was an adequate or even effective measure for dealing with the question of ritual hierarchy is not within the scope of this essay. What is pertinent to our discussion is that in the normative conceptualization of national society that took place through the discussions on stratification and modes of redress, not only were all forms of difference translated into scalar difference but that their redress, too, was framed within a compensatory logic. If compensatory discrimination for Scheduled Castes (SCs) hinged on the configuration of untouchability as 'bad tradition', then state welfare for Scheduled Tribes (STs) emerged from a particular understanding of civilizational progress, or modernity of and for the new nation. Thus, the state identified caste with society and state welfare measures were put in place that aimed to address the institutional and structural working of society. Tribes, on the other hand, were seen as a matter of 'culture'—not institutionally integrated with the wider society, even discursively. The unity of the nation state necessitated encompassment, but their separation through location, exchange, and cosmology came to be constituted as a problem of modernity, and not its effect.

Further, unlike caste where the villain was a historical harm, in the case of tribe the object of reform was a lack or a deficit (as opposed to an injury). But, not all politics of recognition at the eve of Independence, however, was constituted or through an injury claim. Those

who represented either tribal people or tribal areas in the Constituent Assembly insisted on a recognition of their contribution to national life, but their claims for recognition were not embedded in, or did not emanate from, a cognizance of a historical wrong or a historical injury.¹ Even though the object of welfare was conceptualized as a lack in the case of tribal populations, the only way their existence could be recognized was possible through the encompassment of their claim to difference within the compensatory principle of positive discrimination. The birth of the false debate for tribes has its birth in this encompassment or indeed this misrecognition. This collapsing of 'difference as in equality' and 'difference as not same' in the policies of redistribution in India as the self-similar subject of justice and welfare in postcolonial India become evident in the Constituent Assembly debates (as has been discussed later) and has had profound implications to the status of tribes, their relationship to the state, and their politics.

DEBATING TRIBES IN THE CONSTITUENT ASSEMBLY

The Constituent Assembly (1946–9) is aptly described as 'an island of calm deliberation amid the historical currents that swirled through the country' (Khilnani 1997: 33). Its constitution, jurisdiction, and character (that is, whether public, private, or secret) were themselves matters of much deliberation (Rau 1960: xxxiv), as was its representativeness (Bajpai 2011: 46). Though these debates have been studied to understand the legal framework of the new nation and its democratic and multicultural character (Ambagudia 2011; Bajpai 2011; Khilnani 1997), most discussions have side-stepped an engagement with the question of tribe with respect to collective and community rights and principles of positive discrimination, even when the question of difference has been of central concern (for example, Ambagudia 2011; Bajpai 2011: 126–8; Mukherjee 2010). As a result, the deliberations in and around the classificatory and enumerative exercises such as the census, or then early ethnological accounts continue to remain the baseline discussion on the category tribe. This has meant that self and relational understandings of people classified and identified as tribes have remained obscured, or have been matters of conjecture at best in discussions on postcolonial state policies of multiculturalism

in India. It is with a view to address this significant gap that I focus particularly on the interventions made by representative of tribal India in the Constituent Assembly. I especially attend to the interventions made by the spokesman and the sole tribal member of the Constituent Assembly, Jaipal Singh Munda. In doing so, my aim is to delineate the discrepancy between the self-representation of tribal interests in the Constituent Assembly and the terms of their ultimate translation in public policy, especially in their constitution as a subject of welfare through the Sixth Schedule.

Diversity was imagined as the starting point for the formation of national society in the Constituent Assembly, thus making the project of Indian multiculturalism already different from other democratic multicultural states, where diversity and difference have tested the robustness of the liberal principles of these polities (Kapila 2008). A complex interlocking of the history of enumeration, the entrenchment of the ethnological imagination, and the contours of the anti-colonial struggle, had paved the way for the not only the pursuit of equality, the cornerstone of policy, but also the recognition of only certain forms of difference. In brief, for reasons that lay in the very birth of the nation state, religion came to be the only and the maximal categorical difference in Indian society to be recognized by the Constitution, which led to the eventual promulgation of personal codes. Simultaneously, the recognition of the violence of historical ritual discrimination led to the strident pursuit of equality and parity of status in law.

While religious difference found recognition through the conceptual arc of minority, the difference of ritual status was seen to be based in inequality and, therefore, sought to be erased from society through legislation (criminalizing untouchability) and active state intervention through policies of positive discrimination. Social formations such as tribes, that should have belonged to the realm of categorical difference, or even classified as minorities since they were statistically marginal, were instead constituted as objects of welfare reform directed as those who fell under the rubric of 'difference as inequality'. The non-recognition of tribes as categorically different groups had echoes of the historic Poona Pact of 1935, where the demand for separate electorates for tribal members and populations had found no favour with B.R. Ambedkar in Poona in 1935 or, indeed,

others such as Jawaharlal Nehru and Sardar Patel in the Constituent Assembly (Ambagudia 2011: 35). Instead, the category of tribes in India came to be simultaneously marked by both categorical difference (quasi-statistical minority) and inequality (through the status of backwardness). Hence, it became subject to the twin directives of integration in the national community as minority and development as backward groups. Whereas, the category became the purview of the tussle between the assimilationists and isolationists, within the Constituent Assembly. However, the question of tribes became part of the wider negotiations between the integrationists and the multi-nationalists, even though the exact nature of social formation of the tribes remained a subject of contention. This fuzziness was raised through the issue of nomenclature by Jaipal Singh:

For the first time in the history of India I find the adibasis are now 'aboriginal' and 'hill tribes'. I would urge the hon. Minister not to indulge in such disruptive language. Is a man tribal or not? Has to be up in the hills before he can be a tribal? What is this new language he is trying to introduce in Republican India?²

The question of integration of tribes into the national mainstream was of a qualitatively different kind from that of either princely states or, indeed, religious minorities. Whilst princely states were integral to the discussions on the nature of sovereignty and its connection with territorial integrity, the same could not be said for tribal kingdoms. Tribal kingdoms and other polities were never recognized as distinct political formations but were subsumed under the wider territory they were part of. Alfred Gell has argued that while tribal polities, such as those in colonial central India, had highly elaborate form of kingship, they nevertheless eschewed state practices of rent and revenue extraction, prevalent in the surrounding Hindu, Muslim or British rule. It was precisely their inability to develop an elaborate rent-and-revenue function that distinguished tribal polities from princely India (Gell 1997: 433; Grigson 1944: 33). At the time when the Constitution was framed, these factors played a crucial role in the kind of political recognition that was accorded to tribes.

The non-recognition of tribal polities, either by the British or then by the national leadership, was part of a wider disposition towards the question of difference. Unlike religious minorities whose life-ways

and belief systems had gained at least a nominal recognition in law through personal codes, tribal religion and life-ways did not find any support or recognition in law. The question of minorities, thus, was neither accurate, nor indeed acceptable to them:

I do not consider the Adibasis are a minority. I have always held that a group of people who are the original owners of this country, even if they are only a few, *can never be considered a minority*. They have prescriptive rights. We want to be treated like anybody else. In the past, thanks to the major political parties, thanks to the British Government and thanks to every enlightened Indian citizen, we have been isolated and kept, as it were in a zoo. That has been the attitude of all people in the past. Our point now is that *you have got to mix with us*. We are willing to mix with you and it is for that reason, because we shall compel you to come near us, because we must get near you, that we have insisted on a reservation of seats as far as the Legislatures are concerned.³

The above was the contribution of Jaipal Singh to the debate on the Report on Minority Rights tabled by Vallabhai Patel in the Constituent Assembly in August 1947. The Munda leader from Chhota Nagpur had been campaigning for the recognition of the rights of the tribal people in the region for some time. Earlier, Singh had mobilized the tribal peoples of the Chhotanagpur region to form the Adibasi Mahasabha in 1938, which was later renamed as the Jharkhand Party.⁴ Even though tribal interests were picked up and represented by other members such as A.V. Thakkar (Bihar) and J.J.M. Nicholas Roy (Assam), Singh was as such the sole tribal member in the Constituent Assembly, and took his representational position both in the Assembly and beyond very seriously.⁵ For example, he wrote several missives to Dr Rajendra Prasad, as the senior-most Congress figure from Bihar, reminding him about the inadequacies of the statistical method for understanding the tribal question:

Aboriginal identity must be preserved at any cost. Immediate measures should be adopted to promote aboriginal culture. The statistical confusion that exists in respect of [*sic*] the numerical strength of the aborigines should be removed. An aborigine by embracing Hinduism, Islam or any other religion does not cease to be an Adibasi. Census data are inaccurate.⁶

As is evident from the quote, Singh considered the tribal recognition neither as a matter of being conceptualized as a statistical minority

nor on the basis of scalar inequality. In his understanding, the claim was based in a rather different premise—one that was never fully picked up by the political leadership at the time, and which did not come in the language of deficit or lack, or indeed backwardness. The claim Jaipal Singh made repeatedly pertained to matters of origins, property, and ownership. Consider the very first intervention in the Constituent Assembly made by Singh:

Thank you [Sir], for giving me the opportunity to speak as the representative of the aboriginal tribes of Nagpur ... so far as I have been able to count, we are here only five [members representing tribes or tribal areas]. But we are millions and millions and we are the real owners of India. It has recently become fashion to talk of Quit India. I do hope that this is only a stage for the real rehabilitation and resettlement of the original people of India.⁷

Asserting themselves as the original inhabitants of India and to generalize the anticolonial call, 'Quit India', to the wider Indian population was a radical and bold move indeed, but it did not evoke a sustained rebuttal or response from other members of the Constituent Assembly on the day. Its non-cognizance spoke of the deep opposition to the very idea of primordially. The claim to ownership of property was premised on an originary identification with the territory in question. Singh did not make these claims unaware of the opposition that confronted him, nor the perceived anachronism of these claims:

[W]herever we have been it has been urged upon us that for several years to come, the aboriginals' land must be inalienable. If I were to fight for that particular, shall we say protection, most members would laugh. A friend of mine, only this morning when I was talking to him, said, 'Do you want for eternity that aboriginal land should remain inalienable?' [T]hat is how some of the demands vital to Adibasis are ridiculed. We have been talking about equality. Equality sounds well; but I do demand discrimination when it comes to holdings of aboriginal land.⁸

As is clear from these passages, there was a lack of fit between the terms in which tribes were being incorporated within the postcolonial state and its polity, and their self-representation. The discrepancies between the two representations show the underlying difficulties faced by law and lawmakers on the question of difference. Postcolonial law in India, it seems, was unable or unwilling to recognize *difference as discreteness*. Even religion—the marker of categorical, heteronomous

difference—had to be converted into the statistical model of minorities and majority and only, thence, through an operative notion of scalarity guaranteed equality. The reasons necessitating the recognition of religion through the trope of majority/minority, and the repercussions for religion itself, are not within the scope of this essay. My focus here is the discursive moves through which tribes were incorporated within a singular logic of scalarity. I want to suggest that the recognition of the categorical difference being claimed by tribes for themselves was transmuted into a scalar one as a result of three distinct, but overlapping, sets of misrecognition.

We did not go to London for negotiations [*sic*]. We did not go to meet the Cabinet Mission for provisions for our rights. We look only to our countrymen to give us a fair and equitable deal. For the last six thousand years, we have been shabbily treated.... Six thousand years ... that is the time you non-Adibasis have been in this country.... Number for number, the Sikhs, the Christians, the Anglo Indians, and the Parsis have been given more than their due, whereas when we come to my own people, the real and most ancient people of this country, the position is different.⁹

Three key elements constituted the core of the claims made here by Singh: one, about origins and time; second, ownership claims over territory through primordially, and finally, and most importantly, the subsequent misappropriation of their property by others. Time and territory as anchors of collective self-identification chimed with prevalent anthropological framing of culture as originary and boundary-making.¹⁰ It was, however, the third element that marked Singh's claim on behalf of the tribal populations of India as radical. Singh did not characterize, or consider, tribes as a people who had suffered an injury or harm. Instead, by positioning tribes as the original inhabitants of the land, and by further claiming their inalienable rights of ownership in it, he constituted their claim in terms of *property rights*, and the subsequent demand in terms of *recovery of debt* owed by others. In other words, this was not a claim of injury that demanded compensation. This was a claim about title and unpaid debt that demanded recovery and restitution of ownership. A robust corpus of scholarship exists on the usurpation of land and title through the doctrine of *terra nullius* and its effects for settler-colonial contexts (Borrows 2010; Povinelli 2003; Tully 2002). However, unlike aboriginal property

claims in settler colonies, Singh had not suggested a comprehensive usurpation or occupation of territory by the non-*adivasis*, but had gestured more in the direction of what may be called squatting. This move allowed for a discursive fragmentation of his claim to title and a partial recognition of tribal interests, as I elaborate later.¹¹

Nevertheless, this was an altogether different kind of claim that could not and did not find a ready fit with the current (or even subsequent) thinking on the framework for social welfare and reform. Distinct from the conceptualization of the claim as an injury or harm whose locus was corporeal (as in the case of caste), the locus of the claim by tribes lay in the land and the materiality of territory. The state, on its part, reduced the largest claim made by Singh on behalf of the tribal populations of inalienable ownership of territory to its partial, or rather elementary, form—as property claim to *resources*, that is, qualified rights of ownership to elements that may reside in that territory but not to territory itself. This move disaggregated the main claim for title into its elemental parts and further reduced the temporal claim of origins to merely an affective link to these elemental aspects of territory, for example, forests, produce, etc. In a recent review essay, Francesca Merlan has argued that '[i]n many instances, including those of the "classical", or early-accepted indigenous groups, the introduction in some countries of frameworks that rest on traditionalist assumptions of the centrality of territorial connection have been seen as effectively having a dispossessory effect' (2009: 306). A serious and substantial political claim, and the terms through which tribal selfhood was understood, shifted registers and came to be recognized through the narrow lens of political economy. Tribes were divested of their claim to ownership of property in the absolute, or even substantial, sense and placed at a distinct remove from their claim to heteronomous difference. Thus, in these inaugural moments of the new nation state, divested of their property rights, tribes came to be constituted as subjects of welfare and development, profoundly defining not only the politics of development in postcolonial India with respect to tribes, but also their own pursuit for recognition and future claim-making.

NEW HIERARCHIES

People identified as STs today are an ever more diverse set with very different social formations, politics, nomenclature, and economic

realities. For example, the political exigencies faced by adivasis, *janjatis*, *vanvasis*, *mool bharatiyas*, etc., are not the same, nor do they speak from similar political concerns (see Baviskar 2007; Karlsson 2003). This was not the case in the Constituent Assembly. Spokespersons of the tribal communities within the Constituent Assembly were categorical about their self-perception as the original inhabitants of India, who should have inalienable rights in land. Singh's disapproval of the descriptor 'aboriginal' of course gestured to the negative anthropological baggage of the appellation. But it also signalled the eschewing of any nomenclature that inserted tribal peoples in a hierarchical framework. To date, terminology remains a vexed issue, especially because the words tribal, aboriginal, indigenous, and ST correspond neatly with neither each other nor, indeed, with their vernacular terms or with the people, thus, classified. What we now have by way of the policies redistributive justice for tribal populations in India is an unstable mix of three positions—of formal equality, of protectionist policies, and of politics of developmentalism and indigeneity. There has been a proliferation of populations demanding ST status, especially in the wake of the economic restructuring of the past 20 years. The state is forced into the recognition of evermore forms of difference in order to remain true to its policies of redistributive justice, and, of course, the arithmetic of electoral democracy. The officio-legal measure of tribal-ness continues to follow by-now outmoded anthropological understandings of group-boundedness—that is, of separate and separated beliefs and life ways, while the reality on the ground remains muddy and much more dynamic (Kapila 2008).

In its 60-year career, thus far, affirmative action has produced its own new inequalities, including among the tribal populations of India. The 'creamy layer', which refers to the tiny section of the community that continues to amass benefit opportunities for itself over time, thereby, retaining the baggage of discrimination only through nomenclature or classification, there is another kind of differentiation that is being given political articulation in recent years. This has to do with the growth in the politics of indigeneity and indigenous status that has given new life to categories such as adivasi, mool bharatiya, and vanvasi, which are born out of, and address, different political persuasions. In their becoming they have also called into being new interlocutors to arbitrate on their status that go beyond the Indian

state. These include the United Nations' International Working Group for Indigenous Affairs. In moving the register of their struggle away from the local and the national to include the global, this politics has produced a new axis of inequality that pertains not to ritual rank, nor to civilizational progress, nor indeed to class, but to new formulations of scale. Within the tribal populations, access to such global platforms is neither evenly distributed either currently or, indeed, in the potential future. This then is the new creamy layer of the tribal population that has scaled up its politics beyond the state, but nevertheless remains rooted in the idea of compensatory discrimination, not for historical injury, but for the discursive wrongs committed against its constituents

In the unexamined life of the postcolonial Indian state, tribes must form an important blind spot, which came into common view only when an extreme version of their politics posed a serious challenge to state authority, and the legitimacy of the prevalent models of development. It may not be hypothetical to propose that had it not been for the Maoist movements in the so-called Red Corridor in central and eastern India, the political marginality and discursive obscurity would have long continued. The reason for tribes being part of the unexamined life of the postcolonial Indian state is because culture, or heteronomous difference, remains a blind spot. With respect to the question of tribes, the unexamined nature of the place of culture and a recognition of cultural difference in India that does not hinge on a pre-theoretical commitment to scalarity, has had grave implications. The most serious of these has been the erasure of title, and the inversion of their self-image as propertied subjects and the scaling down of their ownership claims to elementary forms. Their positioning of non-tribal populations essentially as debtors never became embedded in public debate. Instead, tribes have come to be constituted as those who have been found lacking in modernity or civilizational content and, therefore, as prime objects of welfare measure of a paternalistic state.

The odds with which their self-image rests with respect to their current status as recipients of welfare and as impediments to state development, and capital has given rise to two distinct developments: violent forms of protest, but also to a new politics of scale, as evident

in the transnationalization of their politics of recognition. Until the question of recognizing cultural difference in postcolonial India for what it is remains unaddressed, new mutations will arise in diverse spheres. It is for anthropology to take up the culture question seriously for the study of contemporary India, so as to put hierarchy in its place, and not leave it once again for either administrative, judiciary, or policymakers to bring it in through the proverbial back door.

NOTES

1. For a philosophical discussion on injury and identity, see Brown (1995). For injury and compensation, see Jain (2005).
2. Jaipal Singh, *Parliamentary Debates*, 18 April 1950, part I, vol. III, 1601.
3. Jaipal Singh, *Constituent Assembly Debates* (hereafter *CAD*), 27 August 1947, vol. V, no. 8. New Delhi: Lok Sabha Secretariat, p. 226, emphasis added.
4. He later spearheaded the formation of the Jharkhand Party in the early 1950s, which was the first political association to petition the States Reorganisation Committee in 1955 for a separate state of Jharkhand. Singh and his party soon withdrew their petition and movement following a merger with the Congress party (Sharma 1976: 38).
5. Jaipal Singh was a Munda from present-day Jharkhand Party, and was educated in Oxford. For a brief biographical account of Jaipal Singh in relation to tribal uprisings and movements in Jharjhand, see Sharma (1976). On the history of tribal insurrection in Jharkhand, see Guha (1983).
6. Letter No. 112. From Jaipal Singh to Dr Rajendra Prasad, 24 May 1939, Ranchi. *Dr Rajendra Prasad: Correspondence and Select Documents*, ed. V. Choudhary, 3(January–July 1939). New Delhi: Allied Publishers, p. 96. I thank Rohit De for pointing me to this reference.
7. Jaipal Singh, *CAD*, 11 December 1946, vol. 1, p. 46.
8. Jaipal Singh, *CAD*, 30 April 1947, vol. 3, no. 3, p. 449.
9. Jaipal Singh, *CAD*, 24 January 1947, vol. 2, no. 4, p. 316.
10. Such a bounded nature of the culture-concept has, of course, long since been discarded within anthropology (Abu-Lughod 1991; Fabian 1983; Fischer 2009; Gupta and Ferguson 1992), though anthropologists of varying persuasions have alerted the ‘return’ of precisely such a bounded concept in public life in recent years (compare Kuper 2003; see Hannerz 2010; Turner 1993).
11. Over the years, J.S. Munda’s claim to primordial ownership of land by tribals became first weak and then altogether abandoned, as his own politics became more proximate to the Congress party.

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