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Rewriting the State: Life-Writing by Terror-Accused in contemporary India

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Abstract:. This article studies life writing (memoirs, diaries, letters, and dissertations) by people accused of terrorist crimes in India. I argue that the authors of these texts, who have been subject to violence at the hands of the state, do not advocate a turning away from it but rather a reclaiming of the idea of the state. Through their writing, they harness an idea of the Indian state that should have brought about a social revolution. They argue for an interventionist state, one which would bring about equality and fellowship among communities in a violently hierarchical and profoundly unequal society.

Keywords: prison writing; state; India; authoritarianism

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Introduction

Though India is often lauded as the world's largest democracy, it has also witnessed the same 'democratic backsliding' seen recently in other parts of the world. This current spiral towards authoritarianism is linked to the election of a Hindu nationalist party - Bharatiya Janata Party (BJP). This party and its affiliated organisations have an ideological history that has articulated a position of Hindu supremacy, with its chief ideologues extolling the virtues of a hierarchical caste system and calling for the expulsion of Muslims and Christians from Indian society.

Since the 2014 elections, there has been increasing violence by Hindu right-wing groups, with the aid of police officials, upon minorities and popular movements. State-supported lynchings of Muslims and Dalits are now a regular occurrence, and police-backed attacks on anti-government people's movements are common. The legal and non-legal subordination of certain groups has led some to describe India as now a 'de facto ethnic democracy' (Jaffrelot 2021) and as 'slouching towards a totalitarian future' (Narrain 2022).

In the era of this new authoritarianism, scholars and public writers have tried to understand the place of violence in Indian political and social life. These responses have attempted to understand the origins of such violence and its relationship to the idea of the state (Chatterjee 2020; Hansen 2021). While some authors offer suggestions on how to push back the Hindu right-wing, they do not address the question of what political ideas enable us to re-reinhabit the world in the wake of such violence.

To answer this question, I turn to life writing (memoirs, diaries, letters and even dissertations) by people accused of terrorist crimes in India. In this article, I argue that these authors, who have been subject to violence at the hands of the state, do not advocate for a turning away from it but rather a reclaiming of the idea of the state. Through their writing, they harness an idea of the Indian state that should have brought about a social revolution. They are propounding the concept of an interventionist state, which would bring about equality and fraternity in a violently hierarchical and profoundly unequal society.

There are two reasons why these texts can help us reimagine the state in this current authoritarian moment. First, because the authors were charged with - and ultimately acquitted of - terrorism

offences. Critics of the current government have pointed to its use of the current anti-terror law to target minority groups and to silence popular movements that challenge government policies. However, this use of anti-terrorism laws pre-dates this government, with civil liberties groups having long argued that these laws inaugurate a state of Emergency, as they effectively criminalise fundamental rights. (Singh 2006, 2007; Coordination of Democratic Rights Organisations 2012) and have been used to target minority groups, peoples' movements and civil society organisations (Singh 2006, 2007). As the authors wrote these texts before the current government came into office, they complicate a common-place narrative that the latest period of authoritarianism 'began' in India in 2014 with the election of the Hindu-rightwing government. In these texts, many of the narratives of arrests, detention, torture and experiences in prison could easily be transposed to the present day.

Second, and more importantly, in the author's production of narratives of their arrests, detentions and attempts to come to terms with life in prison, they produce two contrasting ideas about the state: what it is and what it ought to be. The first is an image of an opaque, violent state that suddenly rips the authors from their social worlds. In narrating their arrests as entirely unexpected, the authors construct the state as a distant but suddenly present power that repeatedly upends life and produces deep uncertainty and doubt. In targeting its violence towards minorities and against those who advocate on behalf of oppressed parts of society, the authors imagine the state as being captured by large, exploitative corporations and by right-wing Hindu organisations which aim to entrench economic, caste and religious hierarchies. They produce an image of the state that bears an institutional hatred towards Muslims, lower castes and economically impoverished parts of society.

In constructing the state in such ways, they also provide a second image of the state—of what it was meant to be and what it could be in the future. These texts echo a once dominant political idea of a state in South Asia of a political power meant to bring about a social revolution. The state was supposed to dismantle the hierarchies of a profoundly stratified Indian society.

This idea of the state is different from liberal imaginations of the state. As Dasgupta (2024) notes, liberal imaginations of the post-colonial state are predominantly derived from the 'American hegemony' (7) of global constitutional theory, where the state is imagined through ideas of limited

government, a bill of rights, the separation of powers and judicial review. The spread of these ideas arose in the post-war American imperium (8), where the United States sought to mould the newly independent nations that emerged from European empires in its image.

In contrast, scholars have noted competing South Asian imaginations of what a post-colonial state could look like (Kapila 2021; Dasgupta 2024). In a milieu of social hierarchy and violence between castes, ethnicities and religions, the state was imagined as an entity that could bring about a social revolution. Political independence from colonialism was not the end of a revolution but the beginning of one. The state was meant to strip away the power of social elites to enable those at the lowest end of social hierarchies to claim their place of fraternal equality. This idea of what the state should do is echoed in different ways through post-colonial political thought (Bhatia 2019; Pandey 2021).

In the texts considered in this article, I argue that the state is imagined as having betrayed this original purpose. Instead, the authors imagine the state as using violence to deepen hierarchy and oppression, targeting those who seek to hold it to its original vision. I argue that, despite the dark note on which these texts end, they do not advocate for abandoning the idea of the state. In pointing to how the state has betrayed its original aim to bring about such a revolution, they call upon the use of political power to fulfil its promise to protect the most vulnerable in society. In their accounts of how they built relationships in prison, they write such a vision of society into existence. It is through their *writing* that they imagine a social revolution – a revolution that the state has abandoned, into existence.

A 'zig-zagular' form of life-writing

Since 2011, there have been at least eleven texts published by people accused of terrorist crimes. For reasons of space, I engage with texts written by four people – Kobad Ghandy, Arun Ferreira, Sudha Bharadwaj, and Abdul Wahid Shaikh. All these authors assert their innocence of the criminal charges. Ghandy, Bharadwaj and Ferreira write that they were imprisoned because of their leftist ideology and their long association with community organisations that challenge dominant economic, religious and caste hierarchies. Shaikh argues that he and his co-defendants were imprisoned because of the police's hatred of Muslims. As it is nearly impossible to obtain bail for terrorism charges, all of them spent years in prison while their cases made their way

through the courts. Ferreira spent nearly 5 years in solitary confinement, and Ghandy spent about 10 years in different prisons. At the time of publication of their texts, they had all either been acquitted or let out on bail pending conclusions to their trials.

All the texts considered in this article construct a sense of self, describe relationships between themselves and others, and provide narratives of the author's understanding of their immediate and wider world. Following literary scholars (Rolston 2021; McCooey 2017), I use the term' life writing' to designate the broad category of non-fiction writing that focuses on the experiences of real people, where both the author and narrator are the same.

As these are quite recent publications, there has been very little scholarly treatment of them. These commentaries treat these texts as sources of information about the experiences of arrest, the violence of prison life, and the unfairness of the legal system. (Bandyopadhyay 2024; Diengdoh 2022; Lokaneeta 2020). In this article, I want to consider these texts as political texts that produce concepts about the state. To do this, I draw attention the content of these texts (as other scholars have done) and to their form.

The form of these texts span genres, as they include elements of diaries, memoirs and biographies. They include excerpts from letters they wrote and received, dissertations they wrote, newspaper articles, poetry, drawings and court documents. They move from time to time, place to place and person to person. Another text by a terror-accused (that I do not engage with in this essay) describes itself as written in a 'zig-zagular' fashion (Habib 2011). The author wrote the book with no structure in mind. The narrative "straddl[es] the jail, the courtrooms, her dreams/nightmares, Kashmir, her family, her home – and the reader may herself be transported to all these domains at once." (Husain 2011). To different degrees, the texts under consideration exhibit the same 'zig-zagular' narrative mode.

In drawing attention to the zig-zagular nature of the texts, I do not mean this as a point of criticism. Instead, the books' fluid forms allow certain tensions to emerge within the texts. In narrating their experiences, the authors produce multiple ideas about the state and the nature of political life. What this means is that the constructions about the state in these texts is not a singular one. Rather, taking its cue from political anthropologists who have pointed to the illegibility of the state, and where an experience of the state is marked by its imagination as both a transcendent power as well as a

localised one (Das and Poole 2004), this essay seeks to highlight the different ways in which the state is constructed in these texts. At times – for example, in Ghandy's text - the state is imagined to be a facade for global capital. When Ferreira (2014) describes apparent co-ordination between different police agencies to keep him in prison for as long as possible, the state is constructed through an idea of conspiracy, where terror-charges brought by the police are the result of the levers being pulled by a distant, obscured power. Shaikh's text imagines the state as a police state steeped in anti-Muslim hatred, hiding behind the façade of constitutionalism and the rule of law.

In all these imaginations, the state is considered a political form that has betrayed its promise of bringing about equality between different parts of society. However, in writing these texts, the authors also offer readers a way of imagining a society where the state has lived up to its promise of bringing about a social revolution.

In the following sections, I provide an overview of each text, paying attention to both their form and content. In doing so I seek to draw one imagination of the state from each text. By doing this, I do not mean to state that one text imagines the state in one way. Rather, the texts, to varying degrees, reflect these multiple visions of the state.

Kobad Ghandy: A shapeshifting state produces disorder

All these texts contain the idea of a state as a distant but overwhelming power that enters and destroys social worlds without notice. These texts juxtapose two narratives: first, narratives of background, family life, aspirations and an account of the trajectories of their lives before they were arrested. Second, they contain extensive and detailed descriptions of the authors' experiences of arrest and their first encounters with the police, courts and prisons. They narrate what the authors were doing when they were shocked by their kidnapping by the police; how they were taken into illegal detention, where some of the authors faced torture; of their experiences when they were finally formally produced before a magistrate; of their initial experiences in jail; how they tried to navigate uncertain life in jail; and their experiences with the judicial system. This juxtaposition of these two narratives helps the reader understand how the state violently interrupted their lives and social worlds. Their lives were going on uneventfully when a sudden, unexpected and unforeseeable force in the form of the police put their lives on a different path.

Scholars have drawn our attention to how temporality is implicated in imaginations of state power: waiting for employment allows for new publics to emerge to forge new relationships with state power (Jeffries 2010); waiting for medical treatment from the state creates deferential subalterns (Auyero 2012); the periodic and routine bureaucratic meetings enabled both the performance of state power and strong critiques of it (Mathur 2016). These conceptions of state temporality are "focused on large-scale institutional actors, policy documents, and public performances of power." (Asher 2017, 733). The life writings I engage with in this article reveal another dimension of state temporality: an experience of the state that is characterised by its sudden, immediate and unexpected localisation, almost like an otherworldly force that penetrates and destroys life without notice.

This idea of the state that violently enters everyday life at uncertain moments extends to the author's descriptions of life in prisons, even though there is an ostensible order to every aspect of prison life: mealtimes, washing procedures, access to books, how many pens one prisoner could possess, what kind of commode a prisoner had access to. Authors also write that while these daily activities would usually proceed expectedly, there were moments when things would change without notice: Ghandy writes how guards would suddenly turn on a bright light in the middle of the night to disrupt their sleep; Ferreira writes about how there would be sudden 'searches' of cells at random hours, with the jail officials carrying off the possessions of prisoners. Everyday mundane acts became sites of disruption.

Scholarship about prisons in India broadly argues that prison officials aim to create order and discipline amongst prisoners. In this literature, officials view prisoners as the source of disorder in the prison, and they understand their role as bringing order to the prison. The prison could become a controlled and orderly space through classificatory regimes and regimental activities. (Arnold 1994; Singh 1998). However, the life writings considered here show the prison administration was organised to introduce control, not through the discipline of regularity, but by the uncertainty of disruption.

What also emerges from these narratives is an imagination of the state that kept the authors in a state of uncertainty by disrupting life at random moments. This is not a bureaucratic imagination of the state that produces categories and regulations to enforce the legibility of people. Instead,

this is a mode of state power that operates through opacity and its ceaseless shapeshifting, that appears and recedes at random moments. (Pomerantsev 2011).

Take for example, Ghandy's book, which he writes was partially written in prison and completed upon his release. The uncertainty caused by his arrest and the precariousness of his life in prison is reflected in the form of his book. The book incorporates several genres – parts of it read like a diary, other parts like a memoir and other parts are written in the tone of a political manifesto. It moves back and forth in time and rapidly from place to place. The book does not read like a text by an author who wishes to provide a clear narrative. Instead, it is a haphazard bricolage of texts that reflects an experience of the state as an opaque power that produces a confusion in everyday life.

It starts with his arrest in Delhi in 2009. It then takes us back to his time in London, where he tells us about his political awakening and his prior arrest by London police. During this narrative, Ghandy gives us a brief history of the economic consequences of the colonial exploitation of India and its links with racism in then-contemporary Britain. He then describes his involvement with social movements in India. The next chapter tells us about his upbringing and includes notes on himself written by his classmates from school. Ghandy takes his reader back to the radical politics of trade unions in Bombay. The next chapter, movingly written, gives us a biography of his wife and their relationship. Ghandy then describes life in different prisons, his experiences with prison officials and courts, and his daily struggles with life in prison. It then moves on to writings about Dalit struggles, then moves back to a narrative of the slow decline and death of his wife. Then, it tells us about life after prison and how he adjusted to being a free man. The last section of his book contains what he says are reflections on his past and on the "continued relevance of radical change".

In the narrative he provides of himself, he was born into an upper-class Parsi family in Bombay (now Mumbai) and went to one of India's most prestigious boarding schools. He was on a path to becoming a chartered accountant in London when an encounter with the police landed him in jail. His experience of racism at the hands of the police led him to think about the links between racism, capitalism and colonialism. Upon his return to Bombay, he began working to organise residents of a slum against landlords and for access to the municipal electricity, water and sewerage

networks. In his book, he narrates how he became involved in widening circles of activism around issues of caste and labour. As stated earlier, he weaves his deepening involvement in social movements with the love story of his relationship with his wife.

Against this backdrop, Ghandy appears to view his arrest as coming out of the blue. He writes that in 2009, he came to Delhi for medical treatment, and while in Delhi, he went shopping for computer-related material. This narrative of such mundane activities enables us to be shocked by what he writes next: that while waiting at a bus stop near the shopping centre, an SUV pulled up next to him, some men pushed him to the ground and then into the vehicle. The car did not stop till 3 am the following day. During the time in the car, he says the men spoke broken Hindi and Telugu (a southern Indian language). The following day, he writes, the police took him to a 'safe house' where they questioned him about his links to the banned Maoist party. He writes that if it were not for his advanced age and his ill health, the police would have tortured him. Three days later, when news about his 'disappearance' made its way into the press, he was formally arrested by the Delhi police. Ghandy writes that the police alleged that he was a member of the top leadership of the Communist Party of India (Maoist), which the government has banned as a terrorist organisation. The police from several other states subsequently arrested him, where he faced similar charges. After 10 years in jail, he was released in 2019 after being acquitted in most of these trials.

The description of his arrest is marked by a tone of unexpectedness. Because of this arrest, he tells us, his connection to his family and social circles were cut off, connections that he has sought to remake while in prison. Ghandy suffuses his writing about his time in prison with a tone of disruption. In his account, police officials repeatedly disrupt his attempts to maintain regularity in his daily life. For instance, he describes how he grew different plants in an open yard in his jail in Delhi: "This ground was the only peaceful place in the jail. Often, I would sit alone in these grounds, watching the little squirrels prancing around and reflecting on life in jail and the world outside. Many a time I would purchase a packet of peanuts from the canteen, which they loved and scrambled for" (110). He describes his conversations about life, ideology, and politics with other people imprisoned with him in the high-security ward of the prison: politicians from different political parties, high-profile terror-accused, and gangsters. These accounts of trying to build a life are repeatedly disrupted at random moments: he loses access to his garden after gallows were built

overnight over it. He was transferred between wards and jails in different states with little warning and was unable to continue his connections with people.

In his search for certainty, he repeatedly writes about rules while noting the futility of looking or even following a rule. He writes about regulations that govern the smallest of things, like access to writing material. But these could be changed at a moment "depending on the whims and fancies of the superintendent or the police." He notes that doing things without following unknowable rules was sometimes met with drastic consequences. He narrates an example of one inmate who was told that he had violated a rule and that the ability of the entire prison population to meet their lawyers was restricted (116). Ghandy suffered from a new 'rule' that required high-security prisoners to be transferred every three months from one ward to another. These transfers "amounted to continuous punishment for every [high-security] prisoner." (116). The transfer itself was a humiliating process; he writes "we would be informed only an hour in advance giving us no time to pack […] we had to carry all our belongings and get everything through three lots of searches […] in the 'new' jail, one had to reapply for all previous permissions (like medical, diet, subscription to newspapers) which could be granted or denied. By the time these permissions came through, if at all, one was again transferred." (117) His life in prison was marked by constant disruption.

To add to this disruption of life in one jail, Ghandy had to contend with the fact that he had multiple cases against them around the country. He would be transferred to different jails in different states for court hearings. As a result, Ghandy suffered the disruption of being transferred within a prison and also of being hauled to different parts of the country, where he would have to re-establish some semblance of social life in that new prison. Ghandy frames this experience as being a deliberate strategy of an obscure power, that aimed at keeping him in jail for as long as possible.

Ghandy's account reveals a profound opacity and illegibility of state power. (Das 2007). The state did not just disrupt life in prison at unexpected moments; the powers behind this seemingly organised disruption seemed obscure. At some moments, the state takes the form of rules, but these rules may or may not be followed by jail officials. At some moments, the state takes the form of the police or jail officials, who, at some other moments are indistinguishable from the prison mafia. At some moments, a disruption to life may appear to be affected by a vengeful local jail official

(such as a transfer between cells), at others these disruptions appear as a sort of conspiracy at the upper echelons of the state (such as the repeated transfers between jails in different states). What emerges here is an imagination of state power that keeps shapeshifting, and any attempt to engage with it also involves experiences of confusion and dissimulation.

Wahid Shaikh: The state's betrayal

These texts tell us the various ways the state has visited violence upon the authors. The police swooped down without warning and ripped them from their social worlds, while at certain moments in prison, the police violently disrupted everyday life, leaving destruction in their wake. These texts tell us how the police violated the laws in the authors' arrests and during the investigations, of how the police fabricated legal records to twist the legality of their actions, of how prison officials exercised their power arbitrarily and with cruelty. And of how judges, sometimes, would look the other way. With the authors describing the law, police and the state as "colonial" (Ghandy 2021, 33), "a tool of oppression" (Ferreira 2014, 42), and a vehicle for hatred (Shaikh 2021), we could read these texts as a profound condemnation of the state.

Instead, as I stated in the introduction, one of how the state comes to be imagined is through the idea of betrayal. Implicit in the imaginations of these texts, the state through law was meant to usher in a social revolution. It was supposed to overturn social hierarchies and provide dignity and equality to all its citizens. It was supposed to restrain the violence of social elites and protect the vulnerable. What emerges in these texts, I argue, is an idea of a state that betrayed this promise.

Nowhere is there such an incisive critique as in Shaikh's *Innocent Prisoners* (2021). After spending 9 years in jail during his trial, in 2015, Shaikh was acquitted of being a member of a group that is alleged to have been behind a series of bomb blasts in Mumbai in 2006. His text, written while in jail, was first written in Urdu. It was first published in Urdu in 2019 and then subsequently, in 2021, published in both Hindi and English.

Rather than presenting a narrative of himself—his personal history, the details of his case, and his experiences with the police and in prison—the text aims to pick apart the police's evidence against himself and his co-accused. The text itself is an amalgamation of different forms: a case file, similar to one used in courts; the author’s commentaries on different statutes and rules; and

personal observations on the police and courts. Some chapters are framed around particular moments of the investigation, while others take us through his and his co-defendants' experience of the investigation and the trial.

Commenting on the text's form, Das (2019) argues that this is a pedagogical text for "Muslim men who might end up caught in the net of the police under the terror laws". Shaikh himself writes that the text is aimed at helping Muslim men who are "falsely implicated" so that they "would be mentally prepared to pursue [this] legal battle, protect [themselves] from police harassment and defend [themselves] fearless before the law" (Shaikh 2021, 10).

Given its pedagogical form, the book's chapters revolve around two themes: first, what the police ought to do when they investigate, i.e., the small legally-mandated processes they are expected to go through as they gather evidence of a case; and secondly, the violence and subterfuge that marks how the police actually go about performing these small processes. The book contains numerous examples of this: torturing an individual to sign a confession; threatening an individual and their family, to force them to turn state's witness; coaching a public witness to identify a particular person during a Test Identification Parade.

In narrating what the police ought to do versus what the police actually do, Shaikh gives his readers a guide to deal with the violence and the fabrication of evidence. For instance, in the chapter dedicated to confessional statements, he details, in a slow, deliberative manner, the procedures that the police and judges ought to follow when they want to record a confession of a defendant. Shaikh compares this to what the police have actually done in the cases he was involved with. He then details the procedures the prosecution must go through when presenting this confession as evidence later in a trial. Here again, he juxtaposes this narrative with what the police and prosecution have actually done. In a subsection, he tells his readers "How to evade a forged confession."

> "1. After your arrest, when you are produced before the court… you must tell them that you are innocent and you do not wish to confess anything. […]
>
> 6. If the police force you to sign the papers, say that you will only sign in the presence of your lawyer and family members. […]

> 7. During the […] recording your confession, when you are produced before the magistrate, inform him that you have not confessed anything. On the contrary, ask him what is written in those papers? […]
>
> 10. No matter how much the police threaten or torture you, every time you are produced before the court, repeat your statement of innocence and declare that you have never expressed any desire to confess anything, yet the police tortured you and your family to obtain your signature on a readymade fake confession paper. Narrate everything the police did to you in detail. Remember even if you go on narrating for four long hours the magistrate […] is bound to record your statement word by word. If the judge refuses to record your statement verbally, then submit your statement to him in writing."

As we can see from this excerpt, Shaikh is writing in a pedagogical mode to help other Muslims who may find themselves in similar situations. In doing so, he is also prosecuting his case against the police. He presents the police as being conniving and violent, twisting the law and fabricating the evidence to convict innocent Muslims. While his target is the police, he seems to present the courts as not being up to the task of withstanding the police's conniving ways. At times, he writes that judges are too easily taken in by the police's deceptions (188). At others, he appears to say that the judges fear the police (63, 209) and are forced to accept the police's version of facts as the truth. What Shaikh appears to be saying is that the judiciary is unable or unwilling to take on police impunity.

Through his detailed description of the investigation and the trial – and what the police are supposed to do versus what they actually do – Shaikh is trying to convince his readers that India is a police state. "You must be wondering how is this possible," Wahid writes rhetorically. "Is there no law and order in this country? Is the judiciary blind? Or is India ruled by the police? Yes. It is a [police state] indeed!" (25)

Shaikh is trying to convince his readers that they cannot rely upon the police to be bound by the constitution or law. He quotes Article 20 of the constitution and parts of the procedural code, which say that no person can be compelled to bear witness against themselves (111). And then he tells us how the police force people into fake confessions. He tells us that the procedural code and the constitution say that all arrestees must be produced before a magistrate within 24 hours of arrest,

and then he tells us how the police fabricate the arrest record to cover kidnapping and torture of defendants. He tells us about constitutional protections regarding equality. He then tells us how the police have violated this protection. He tells us that though we have a constitution, a judiciary and all the trappings of the rule of law, these do not matter. These were promises that were broken. He repeatedly tells us that the constitution and law were meant to protect the innocent and protect minorities, but rather he exhorts his readers to open their eyes to the truth. Through his book he is calling upon his reader to believe that India is now actually a police state.

Faced with the reality of a police state that targets Muslims, Shaikh offers his readers two options.

> "1. Be quiet and let whatever happens, happens […] This defeatist response against false implications of Muslims in terror cases will not end the evil. In fact, this evil will spread to such an extent that no house will be spared, and slavery will be the ultimate consequence […]
>
> 2. Protest and legal battles: This series of wrongful implications will not stop with our protests and legal battles. But, it will surely slow down and rate of such cases will decrease. Muslims will be awakened. We will not gain complete peace but the tyrants will also lose a bit of their peace […]" (499)

Shaikh acknowledges that, whatever strategies defendants use, they will still be tortured, and they will still stay behind bars until the end of their trials. He still holds out a faint hope that something will come of the refusal to the violence of this Muslim-hating police state. In advocating the second option, Shaikh's text can be understood not just as revealing the reality of the state: of the constitution as a sham, of a pliant judiciary that is powerless to stop the violence of the police state. Nevertheless, it is a call to reclaim the state – however imperfect – to return it to its original purpose of protecting the innocent and preventing the persecution of Muslims.

Arun Ferreira: Who is a political prisoner?

These texts tell us that the authors met different people in prison and were thrust into proximity with people who had allegedly committed different crimes, had also probably faced similar violence at the hands of the police, and had similar experiences of a seemingly careless judiciary.

Ghandy speaks about categories of prisoners - murders, rapists, gangsters - in distinction to 'political prisoners' like himself and writes of his efforts to obtain different treatment from ordinary criminals. In contrast, Shaikh argues that police violence is so rife that it is difficult to differentiate between a person who has been accused because of hard evidence and a person who has been accused because of a political hatred towards a particular community. How does one differentiate between a political prisoner and an ordinary one?

The issue of how to differentiate between political prisoners and ordinary prisoners comes up through South Asian history. In his history of the category of the 'political prisoner' in India, from the colonial period to the 1970s (at the height of the Naxalite movement), Singh (1998) argues that, while the official category of 'political prisoner' is repeatedly contested, political prisoners imagined themselves as engaging in a "resistance to state power." (4) Self-described political prisoners would seek to differentiate themselves from 'ordinary criminals by proudly admitting to the crimes they committed for the "interests of the people or the nation" as opposed to the selfish motive of 'ordinary criminals.' By distinguishing themselves, they argued they demanded better treatment and resisted activities such as prison labour. While they sought to distinguish themselves from ordinary prisoners, they also saw themselves as champions of the rights of other prisoners. (84).

There are some obvious points of difference between the prisoners that Singh writes about and the authors of these texts. The most obvious is that the latter do not admit to having committed any crime. Unlike during the colonial period, when breaking the law and going to jail was seen as a source of pride, none of the authors here say that they have committed any crime.

While Singh (1998) suggests that political prisoners defined themselves by admitting to committing crimes in resistance to the state, I would argue that in these life writings, what is 'political' comes to be tentatively defined as whether one is a victim of state power or of social hierarchies. Whereas 'true' criminals are those who have committed crimes either for personal motives or in measures to further social hierarchies. In these texts, as the authors meet different sections of society in the prison, the category of 'political prisoner' is, to differing extents, constantly re-evaluated through the prism of whether those communities are victims of social hierarchies or state violence. As we will see towards the end of this section, this repeated re-

evaluation of this distinction produces an idea that the state should take the side of those who are victims of social oppression, regardless of the crimes that they had committed. As an example, we can look at Ferreira's text.

The form of Ferreira's text allows for this repeated re-evaluation of who a political prisoner is. He tells us this book is a partial reconstruction of his diary written in prison. He destroyed his original diary as he heard that the police used the diary kept by another defendant as evidence against that defendant. (111). He writes that he reconstructed the text of his diary after his acquittal from his trials, using the letters he sent home to his family. Each chapter starts with an excerpt from a letter he wrote from prison to his wife and parents. These letters are descriptions and reflections of his life in prison. Then, each chapter takes us into Ferreira's past. Some chapters tell us where he grew up, what his formative political influences were. Other chapters tell us about life in prison. The juxtaposition of these two texts - first his letters and then his recollections – allows us to see how Ferreira repeatedly re-evaluates his experiences. In particular, we will see how he repeatedly re-evaluates who is a 'political prisoner'.

Ferreira strongly identifies himself as a political prisoner - not because he committed a crime for a political cause, but because he believes he was imprisoned because of his ideology and activism. He tells us that his ideology is something that he grew up with: he was raised in a Catholic family in Bombay influenced by liberation theology and how he came to be involved in community education organisations, and from there, with community organising groups in slums and in Dalit villages. He clearly identifies some others as political prisoners as well – fellow trade union members, members of leftist organisations, and people accused of being Maoists.

Initially, he appears to define a political prisoner as someone who was imprisoned for ideological reasons. However, after repeated transfers between jails and seeing different people in prison, Ferreira (2014), comes to a realisation "that the majority of inmates […] didn't fit any recognisable definition of criminal". (125) Most people were in jail, he surmises because of police or social prejudice towards particular communities. As a result, the meaning of 'political prisoners' gradually gets larger. Moving outwards from fellow travellers in left movements, he includes those advocating for the economic and socially oppressed. Then, it grows to include people who advocate on behalf of different ethnicities and regions for self-determination and independence

from the Indian state (2010, 15). He also speaks of "Muslim political prisoners" (2014, 70) who he says were imprisoned only because they were muslim. In a thesis, he wrote while in prison for a degree from an open university, he defines political prisoners as those who have been "arrested, incarcerated and denied liberty in the prisons" who advocated on behalf of "exploited sections in India who are struggling against their exploitation, for a minimum standard of living or for a more just and democratic society" (2010, 13).

Ferreira's then defines a political prisoner as anyone who is a member of, or advocates on behalf of an oppressed community. But would a member of an oppressed community who had committed an ordinary crime be able, in Ferreira's mind, to claim the status of a political prisoner? Ferreira comes to close answering this in the affirmative. Ferreira narrates an incident when three hijras, accused of murder, were placed in the high-security barracks, as prison authorities would not place them in the women's barrack, nor in the general men's barracks. "Suddenly" Ferreira writes, "our yard […] became the centre of attraction for all inmates." (138). Men would pass by Ferreira's cell, "stare or make a pass at [him] assuming from [his] clean-shaven face that [he] was one of the eunuchs they are searching for." A clean-shaven Ferreira contemplated growing a moustache to distinguish himself from the hijras. Over time, he got to know the three individuals and came to know the "severe stress and strain that society imposes on the LGBTQ community" (138). He locates the allegations of murder against the three people in a context of poverty, discrimination, and violence against the hijra community. He seems to be on the verge of saying that the murder was committed because of the prejudice they faced and that the murder charge itself was brought against them because of the prejudice towards sexual and gender minorities.

In Ferreira's estimation, while a person is imprisoned because of institutional and social prejudice can be considered a 'political prisoner' a person who is a perpetrator of social oppression, cannot be. Take Ferreira's encounter with the upper caste men who were convicted and sentenced to death for taking part in gangrape and murder of a Dalit family. Ferreira is forced to spend time with them and expresses his deep discomfort "sharing space with men responsible for this caste atrocity" (85). Through occasional conversations with them, he realised that "their prejudices blinded them to the enormity of their crimes." The men accused the women they attacked, of being "too outspoken and bold, unlike other Dalits" and for bringing dishonour to the defendants' families. This description prefaces a brief discussion on the "dismal conviction rate" for caste-based

offences. While he disagrees with the death penalty, Ferreira tells us that the law needs to be used properly against these caste-based atrocities.

In both narratives, people are accused of committing murder. While in the first narrative of the three hijras, Ferreira seems to narrate their incarceration as an example of the state is further oppressing a vulnerable section of society; in the second he bemoans the weakness of the state that is meant to protect the oppressed. As he tries to distinguish a political prisoner from an ordinary prisoner, he imagines an idealised form of state that ought to be on the side of the oppressed.

This comes out more explicitly when he discusses the idea of human rights. He tells us that his experience of being on trial for terrorism opens his eyes to the ways in which the state has used these laws to violate human rights and how they further oppress minority groups. However, he comes close to rejecting the idea of the universality of human rights, as "devoid of social context, [this] would erroneously equate the rights of the oppressors with those of the oppressed." (2014, 91). The state, in his estimation, should not uphold the rights of all people equally and it should intervene on the side of the oppressed. Instead, it has become a tool of the oppressor.

This is not a rejection of the idea of the state itself. As a profound condemnation that the state has not protected the vulnerable, it is also an imagination of what it could be. In reconsidering who might be a political prisoner, he gives us an image of what the state should be doing: the state was supposed to be on the side of these oppressed sections of society. Ferreira appears calls upon the state to live up to its promise and condemns its failure to stand on the side of the oppressed sections of society.

Sudha Bharadwaj: Writing the republic into existence

In these texts, the authors describe how they met the violence of arrest and prison life with repeated attempts to create social worlds within. Reflecting on this constant state of disruption, Bharadwaj (2023) writes: "This is jail. New barrack, new adjustments, new neighbours, new grievances, new fights…" (41) As she and other authors note the arrest, the constant forced moving between wards or barracks within prisons, to moving between prisons in different states and cities meant that they had to build new lives in the new jails, from scratch. Every move involved remaking social life within the prisons, which involved understanding who one's community was, what the hierarchy

amongst prisoners and prison officials looked like, and how to navigate the uncertainty of a new situation. We have seen how writing about these experiences have produced an idea of a violent, opaque state that has betrayed its promise to bring about a social revolution. In the face of this duplicity by the state, how does it bring a socially just community into existence?

Through the texts, these authors are writing into existence a vision of political life. In their texts, they are creating the social revolution that the state was meant to bring about. The authors tell us about the everyday acts through which they instantiate communities around themselves: they tell us how they shared food, how they exchanged books, how they collectively petitioned jail authorities for better facilities, and even how they organised prison strikes. In doing so, they provide a vision of what the state could be: of defending the vulnerable and prosecuting the oppressors. In their texts, they are creating for themselves the original vision for the republic.

This is most evident in Bharadwaj's (2023) book where she recounts one year (of nearly three years) she spent in solitary confinement. In the preface for the book, she follows a pattern similar to other texts engaged with here: beginning with her family life, she tells us of her upbringing by academic parents, of growing up on university campuses and coming of age surrounded by student politics. She describes how she became a lawyer and how her earlier work with trade unions in Delhi, led to her work with steel plant workers in central India, to becoming "leftist and Marxist" (xxix) lawyer for peoples' movements. She was arrested in 2018 on allegations of being a member of a banned communist party and was released on bail in 2021.

The book contains sketches of seventy-six different women, and through these, she tells us her observations about prison life. She writes that she was able to glean bits of information about the various women in prison, through momentary encounters, over a long period of time. She writes poetically, about how picked up small pieces of the women's life stories

> "[w]hen we huddled together in the police van en route to court, or spent hours cooped up in the paan-stained court lock up waiting to be summoned to our respective courts; when we queued up outside the [meeting] room, each anxious to meet her family and lawyers; when we lined up outside the dispensary and commiserated over each other's aches and pains […] when we heard our constable on duty chit-chat with other passing prisoners or a colleague […]" (xlii)

In writing these brief sketches of the various women she sees in the jail, Bharadhwaj says that she was "trying to put [her]self in someone else's shoes." (xlii) In providing these "impressionistic snapshots" (xliii) Bharadwaj is trying to provide an account of the "real human lives" of these women. In doing so, amidst "grindstone …[of] an unchanging routine" (xlii) she is writing into being a social life for herself in the confines of her jail: "Observing women, listening to them, writing about them, and about life in a women's jail, helped me. This became my world. It gave me a sense of purpose. It calmed me" (xliii).

In the absence of meaningful social contact with people, Bharadwaj wrote her world into existence. While scholars have looked at how the self can come to be reconstituted through writing (Foucault 1994; Deleuze and Guattari 1986, 593), what Bharadwaj is also doing here is writing a political world into existence. Through the form of the book—the different sketches—it is almost as if Bharadwaj is describing the citizens of her republic.

Like some of the other authors discussed here, Bharadwaj also believes her case to be political: she is imprisoned solely because of her beliefs and civil rights lawyering. She also writes about other inmates who face such cases: she writes about an activist of a Dalit party who refused to apply for bail to draw attention to the casteist government (77). Like Ferreira, Bharadwaj knows that institutional prejudice towards certain groups runs through the criminal justice system. She writes about a Dalit nurse accused of stealing from an employer, of a Dalit child born in jail who gets fewer gifts than the other children, and how some jobs in prison – such as cleaning the toilets – are caste-determined.

Bharadwaj also sees social inequality and prejudice behind even ordinary crimes. In prison, she realises that many of the women there are accused of murder, and she locates these murders in an oppressive patriarchy. Some women have murdered their abusive husbands. Another woman, who was being abused by her husband, attempted to kill herself and her two children. She survived, but her children did not and she was now accused of their murder.

Moving further than Ferreira does, Bharadwaj locates all crime in social and economic injustice. For Bharadwaj, all crime appears to be political. Bharadwaj writes about an inmate who is accused of extortion and being a member of an organised crime gang. The inmate shows her organisation's card to Bharadwaj "which bears the name of an obscure party and many Dalit [and lower caste]

icons. It is one of many groups which have become a blend of militancy and [mafia], a systemic reaction to systemic social injustice and inequality." (83) As another example of this expansive understanding of political crime, she locates the cases of some mothers-in-law who participated in the domestic abuse and killing of their daughters-in-law in systems of patriarchy.

Bharadwaj is quite explicit in locating all crime in social and economic hierarchies. In the preface to her text, she writes, "This is not to say that all the women were 'innocent' or had not committed crimes. I did find, though, when I heard their stories, that a good number seemed to have been lured or forced or provoked into such crimes by their circumstances […] So I have, in my sketches of them, tried to treat these women not as criminals but as human beings."

In describing the women, not as criminals but as 'human beings' Bharadwaj, one could accuse Bharadwaj of dismissing the crimes committed by them. I would read it differently. In Bharadwaj's understanding, it appears that oppressive systems leads to crime. Even those who commit crimes, therefore are victims of these hierarchies. In composing these sketches of her fellow prisoners, she imagines a society in which these oppressive hierarchies have vanished, enabling her to create, in prison, a vision of a society marked by equality and fraternity.

This vision of what society could be is tied into her imagination of the state. In the interview that prefaces her book, she describes herself as a "deeply-Constitution abiding person." She argues that she has and will "continue to strive for justice, liberty, equality and fraternity for every citizen around me" (xxx). Her vision of a state is one that dismantles violent hierarchies in society. In her text, the state creates this type of society in prison, by accident: "We are strangers here, thrown together by force of circumstances and made to sleep, eat and work side by side. We are women of different regions, socio-economic backgrounds, castes and temperaments. These create divisions, yet friendships are formed […] It is touching to see women clapping at the news that someone has got bail, to see them embracing thrice, in the manner of a Muslim greeting, when they part, to watch them caring for each other's children, for someone ill or pregnant, and quietly looking after newcomers." (35)

Through her text, she is trying to write into existence a type of society that is no longer marked by hierarchy. I would read her book as enacting, in prison, a vision of a society that has been betrayed

by the state. Where the state has turned its back on bringing about a social revolution, she has written a vision of such a fraternal society, into existence.

Conclusion: The social revolution yet to come.

Scholars of Indian prison writing during colonialism and during a period of dictatorship known as the Emergency argue that these texts contain "visions of a good society" and delineate the ways they create such a society (Moorthy 2014, 24). Life writing written by detainees during and just after the colonial period was written in the subjunctive tense—" what might have been or should be possible" (Ghosh 2017, 218). There is a vision of the future, a hope for what may come to pass.

One aspect of these texts that struck me is dark note on which they end. Even though most of the authors have either been acquitted or released on bail, the predominant tone in these texts, however, is not about the future. Rather, they convey the idea of being lost in the present. Ghandy (2021), even as he writes about the "continued relevance of radical change" through Marxist thought, ends by noting that the present is a "dystopic world" in which the "apocalypse seems to drawing near" (244). Bharadwaj writes, "Yet, more than a year after my release on bail, the lives of women prisoners continue to haunt me" (201). Ferreira (2014) ends his memoir by writing about two emotions that characterise his life after prison: fear and confusion (159). Fear of further action by the state and that it will somehow force him back into prison. Confusion "of how to build life back again, how to build those relations that were tested and strained during the years of incarceration." (158).

While reading these life writings, I was reminded of Mistry's (1995) novel *A Fine Balance.* The book charts the lives of the people who made their way in the world just before India's brief period of dictatorship - known as the Emergency - and their attempts to negotiate the Emergency's new social and political forms. At the beginning of the book, the characters struggle upwards through class, caste and gender hierarchies. By the end of the Emergency, some characters have lost their limbs, one is castrated, one loses her house and another commits suicide. One could read the texts considered in this essay, in a similar way: citizens striving to better their lives in a new republic. At the end, these same people are falling apart.

However, as I have argued, despite the betrayal by the state of its original purpose, and its manifestation as an opaque, violent power, these texts do enact a vision of what society was supposed to become, and what it could yet be. In a public letter written from prison to a social science journal, Ghandy (2011) draws attention to the illegalities at every step in the cases against him. He calls upon "all democrats" to "raise their voices against such blatantly undemocratic procedures of the police and government" (5). In doing so, he argues that the state needs to be forced to return to "genuine democratic norms".

Ferreira (2010) makes a similar point in his dissertation. He discusses the 'septic tank' principle employed by colonial and post-colonial Indian prison officials, to keep political prisoners in solitary confinement, to keep the "poisonous gas" of political ideology (19) from spreading to the rest of the prisoners. Ferreira writes that solitary confinement had the opposite effect: that through their hardship and sacrifice of being in solitary confinement, they earned the respect of other prisoners. Through their sacrifice, Ferreira argues, political prisoners had the potential to spread an imagination towards a more just future. In the contemporary times, what provides a vision for that future? It was the "struggle to protect and implement the rights" that were constitutionally guaranteed to the 'oppressed sections of our society' (38). Despite the darkness in which they end, in their condemnation of the present political moment, they are seeking to reclaim the state, and calling upon it to recommit to its purpose of engendering a social revolution.

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