

Removing the International from the Refugee: India in the 1940s

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Such a union can have nothing to do with imperialism or fascism and must be based on the fullest democracy and freedom, each nation having autonomy within its borders, and submitting in international matters to the union legislature to which it sends its representatives.¹

- Jawaharlal Nehru, June 1939

At the end of March 1942, congress party leader Jawaharlal Nehru would dine with Sir Stafford Cripps, head of the British delegation designated to find a version of self-determination for Indian people that would also rally Indian nationalists to the cause of the Second World War. Cripps' report of the meeting highlights a concern that is not usually thought of with regard to India's road to independence or even the international dimensions of the famed Quit India movement. The conversation had left him with the impression that the negative attitude towards the war was, in a large part, because of 'the treatment of Indian refugees coming from the eastern seaboard to the central districts in comparison to the treatment of refugees.'¹ Nehru had spent some of that year in Assam, witnessing first-hand a difference in refugee experience that he saw as the inequality inherent in Empire.² In August of that same year, the Quit India resolution, largely authored by Nehru, would outline how India's freedom was a precondition both to voluntary participation in the war as well as the first step to overcoming racial hierarchy an equal World Federation that could maintain peace. The refugee, it would seem, had served as an embodiment of the predicament of India's national position in a changing world order.

Indian visions of the International Order were closely tied to nationalism and extended beyond the Congress' realisation of the disadvantages of functioning as a junior partner in the British internationalist machine. A new internationalism had to be created for

the world order of the United Nations, because the League of Nations' "democracy was a cloak for the subjection of many peoples and nations."³

The 1951 UN Convention on the Status of Refugees was negotiated and signed as Partition's refugees were being rehabilitated and resettled. Most literature on the subject treats this as India's first major interaction with those displaced across national borders.⁴ The question that is usually asked is why India did *not* sign the 1951 Convention. Frank Antony, an Anglo-Indian political leader, was India's delegate to the Economic and Social Council in 1946. He told the committee that India supported the work of the International Refugee Organisation (IRO) but would not participate as it had already taken fullest responsibility for its own refugees, who were not the concern of the IRO; and India had already contributed very substantially to the United Nations Relief and Rehabilitation Administration (UNRRA) without any benefit to itself.⁵ Since this was in 1946, Antony was not speaking of the refugees of Partition but of the nearly half a million Indians displaced across the British territories in South and South East Asia over the Second World War.

By the time 1951 rolled around with its new definition and rights-based approaches towards individual refugees, the question became why would India even bother to sign on? The Congress-led nationalist perception that Europeans displaced in the subcontinent were treated better than Indians in the same situation confirmed that war-time international refugee agencies simply did not work to the benefit of Indians. An older form of imperialism was being replaced by a new world order led by the fledgling American hegemon. **Committed to the anticolonial possibilities of self-determination, India adopted a citizenship-based rights framework rather than one based in individualism and universality.** The 1951 Convention's refugee definition only reinforced India's identification of these trends, with its limited territorial mandate and the notion that refugees had lost nationality—the subcontinent

was both outside of the outlined territory and its refugees, in theory, had the option of belonging to one of two new states and were seen as part of a population exchange.⁶

The position of refugees in India over the last century been based on the goodwill of the government, with neither the British Raj nor independent India codifying such a law, that has led it to be characterised as ad-hoc or even “strategically ambiguous”⁷ While this characterisation is unquestionable, it is possible to understand this approach to the status of refugees as part of independent India’s larger understanding of its place in the international order. India’s refugee approach lies at intersection of its first Prime Minister Jawaharlal Nehru’s idea of One World and the importance of the postcolonial nation-state. Histories of human rights, humanitarianism, and minorities need to be accounted for separately even though they are not necessarily mutually exclusive—needs and rights, though distinct, are not always separate.⁸ As we examine India, we find that the idea of needs are articulated, but that humanitarianism, as understood in the 1940s by the “west,” does not seem to address Indian needs at all. This deficiency pushed India towards the development and use of its own resources for her people’s progress. Rights also developed an alternative genealogy there, closer the Rights of Man vision based on citizenship and collective pursuit of progress and “need” instead of the entitlements of the individual. The original proclamation of the Rights of Man was associated with the state and emphasized the collective as the basis for these rights, rather than the individual—individual rights derived from membership in a larger entity. Indian ideas intertwined in the 1940s to address both needs and rights.

This essay puts the question of the refugee and alien within more global currents rather than immediate subcontinental conditions, at the heart of which were the decolonization of Indian conceptions of internationalism and a humanitarianism born of international cooperation. It is a historical examination of what prompted the removal of a particular kind of internationalism from India’s approach to refugees. There have been calls

for the refugee to be understood as a constitutive category in the histories of the nation-state.⁹ By focusing on a global and international history of India, this essay writes the post-colony into the story of refugee-related humanitarianism and in doing so exposes tensions between self-determination and human rights.

Different Treatment for Wartime Refugees

The 1946 Foreigners Act was passed under the aegis of the Home Affairs ministry in the Indian nationalist-led Interim Government. In the Gazette of India of November 1946, Home Minister Vallabhbhai Patel called this legislation a response to the experiences of the Second World War.¹⁰ Despite the presence of “refugees”, “internees” and “evacuees” in India as a result of this war, according to the official British Indian paperwork detailing moving people in the subcontinent, the law only makes reference to those who are not citizens of India.¹¹ Previous colonial iterations of the Foreigners Act and related legislation were a means to control who was a subject of the state. The Indian nationalist interim government would assume this power in 1946, folding the refugee (and any other alien, for that matter) into an undifferentiated category of foreigner. This lack of precision created an ambiguity where the state could assert a moral responsibility of charity and humanitarianism rather than accept a legal obligation to take care of these people. It allowed the state to respond to these situations in a reproduction of colonial methods for controlling the movements of people.¹² The definition of alien preceded the definition of the Indian citizen, with the passage Citizenship Act in 1955 that has itself been subject to controversy with a recent amendment pertaining to certain refugees’ fast-tracked access to citizenship.

World War II involved India in refugee policies in different ways, using older transnational connections and forging new ones. Those who would later govern independent India saw the war, the circumstances of which led to the creation of their independent state,

turn many Europeans into stateless and displaced persons.¹³ Simultaneously the racial supremacy inherent in the civilizing mission, which was used to deny self-government in the colonies, was being challenged by contemporary events. Japanese victories at the expense of the Allies in Southeast Asia damaged the myth of the White Man's superiority.¹⁴ As the British Empire collapsed in the East, it sought to enforce its purported superiority even as it was being disproven—the treatment of refugees became a visible site of this contestation and conflict.

As the Japanese gained ground in South East Asia, residents were evacuated to India. The All India Congress Committee publicly criticized the treatment of Indian evacuees from Malaya and Burma.¹⁵ They were appalled that Europeans displaced from the East were given luxury quarters, while Indians were left to the mercy of non-official bodies and distant family.¹⁶ Nehru, as we know, saw this discrimination in the treatment of the refugees of 1942 as a symptom of racialism and imperial arrogance.¹⁷ Europeans were perceived to have been given better escape routes and speedier evacuations. British responses to charges of discriminatory treatment were callous: some even chastised Indian evacuees for giving “self-pitying” interviews.¹⁸

Many Poles were refugees in India, for whom it became a “second homeland,” particularly given the political upheavals and uncertain status of the Polish government-in-exile. They were loath to leave at the end of the war, to the consternation of the new nationalist Indian government.¹⁹ The Poles were one of the few groups within India who eventually benefited from UNRRA. Evacuees and refugees from the Baltic states and other parts of the empire also made it to India. The Maltese proved particularly difficult to resettle. There was much debate in London about where to send them as other parts of the empire did not want them. Eventually, they were dispatched to India, though with some trepidation.²⁰ These groups were not treated in humanitarian or charitable ways. Upon arrival in India,

“refugees” were required to sign an undertaking promising they would repay the Government of India the costs incurred to house and maintain them within the country.²¹ Once any group reached India and repatriation was unwanted or unlikely, resettlement was subject to the standard rules of immigration within the empire—refugees were not treated as a special category, though it was less expensive for non-Indians to immigrate. ~~Most of the time immigration conditions were less expensive than those for Indians.~~ European refugees with specialised skills were easily recommended for resettlement in other parts of the Empire, in particular in white settler colonies like Australia and Canada.²² Until 1947, aliens in British India could become naturalized citizens.²³ In 1942, limited numbers of refugees could be “repatriated” from India to South Africa. Evacuees from Malaya could apply for resettlement, and eventually be naturalized as citizens, if British by birth and of pure European descent, and if they met other Union Immigration conditions.

On paper, the British Indian government discouraged European refugees from finding work so that they would not “take the bread out of Indian hands.”²⁴ In reality, War Services and the army encouraged their employment. European refugees were provided classes in vocations to help them find jobs as regular residents of India.²⁵ Those who could not find jobs or did not speak English were confined to camps, and could not leave as the British would not resettle them elsewhere.²⁶ The stalwarts of British imperial rule were concerned that impoverished white Europeans refugees in the streets of India damaged the image of superiority that underpinned the Raj.²⁷ Efforts towards respectable employment and confining refugees both worked to maintain the myth. ~~These were the very grounds on which Indian people had been denied mobility and equal treatment in empire after all.~~

Those displaced Indians who were accounted for by the government were usually employed in unskilled jobs like the repair and reconstruction of roads, irrigation works, and railways.²⁸ The question of training never really arose for Indians “returning” from other

parts of the empire. In the case of the Indians evacuated from Burma and Malaya, Nehru urged that the government follow a scheme of the Punjab government where skilled and semi-skilled men were found suitable employment.²⁹ The Congress had calculated that, of those who had fled from Japanese occupied South-East Asia, more Europeans had found employment than Indians.³⁰ Most displaced Indians were left to their own devices by officials of the Raj.

The British Government of India arranged to have the Indian evacuees sent to “their respective places.”³¹ How these places were established is unclear, but presumably the idea was to send refugees to the home village of an ancestor. Relief activities were often left to local organizations, rather than the government. The Madurai Oorkappu Sangam, one such local organization, complained to the Indian Overseas Member that many of these people “returned” with no relations or prospects of employment. Funds were collected from the public, because government action was inadequate under these assumptions of “homecoming.”³² In contrast the Government of India spent 90 lakh rupees on 50,000 evacuees and dependents of British subjects from enemy occupied territories in 1943.³³

In other parts of the empire, similar groups of refugees were treated better than the Indian diasporic community despite the fact that they were citizens of the empire. In Kenya, Indians felt that the European community only wished to welcome Jewish refugees as it would ensure purely European domination of the resource-rich Highlands where Asiatics were denied access.³⁴ The Indian Overseas Central Committee sent messages of support to the East Africa Indian Congress in such struggles. Subcontinental Indians clearly also thought that European refugees had greater privileges than Indian citizens of empire.³⁵

Was the bureaucratic category of the refugee or evacuee used for imperial rather than primarily humanitarian exercises of administration? The fact that institutionalized differentiation between refugees had to do with ethnicity and nationality—and within that

socio-economic status—disturbed Indian politicians. Non-Indian refugees sent to India seemed to be treated better than those of Indian origin, even those unwanted by other parts of the empire and effectively dumped in the subcontinent. Other places in the empire had refused these groups as they were either too poor, too unskilled, or because they did not fit within their idea of who belonged within their borders. The universalism of imperial citizenship was bogus—Indian borders were kept porous to help solidify these other people's and places' right to define their own communities. This seemingly racial enactment of refugee policy, already seen by nationalists as a symptom of imperialism, would only be further cemented by the neo-imperialism of the new world order.

Rights in the New International Order

As early as 1938, Nehru spoke of the end of imperialism as a necessary condition for the success of collective security, with support for India's freedom revealing the purity of intent of international collective action.³⁶ The British government's rejection of the Congress' demand for Indian-led government in exchange for support for World War II, and their continued reliance on old ways and "patronising language of the nineteenth century" did not inspire confidence.³⁷ The unequal liberalism of the past seemed to continue into the twentieth century, with Churchill insisting that the Atlantic Charter's provisions did not apply to India. The British had also disregarded the All India Congress Committee's idea of internationalism (one based on disarmament), undermining this nationalist internationalism in favor of orders received from London. The British vision of the new international order had been made clear, resulting in efforts in the 1940s to transform this internationalism by the Indian nationalists.³⁸

To Nehru, the Atlantic Charter was a "pious and nebulous expression of hope, which stimulates nobody, and even this, Mr. Churchill tells us, does not apply to India."³⁹ At the time, human rights seemed to represent a step back from the self-determination of the Atlantic Charter, which was watered down in subsequent conferences on the establishment of a new international organization. Anticolonial movements would interpret it to suit their own contexts.⁴⁰ They would focus on self-determination rather than human rights because of their circumstances.

The United Nations was a wartime alliance that was turned into a peacetime international organization, and there was continuity between war time aims and those of the UN as it came to be. The liberal, social, and democratic policies espoused by it were essential to gain support for the war.⁴¹ But these liberal principles did not seem to extend to

decolonization. As Gandhi would write to President Franklin Delano Roosevelt, a known supporter of decolonization, the rhetoric of the wartime United Nations was hollow in light of the inadequate offer of delayed self-determination by the Cripps mission to India ~~that had~~.⁴² Roosevelt's reply a month later would prioritize the 'common cause' and war against the Axis powers over India's immediate independence. He cited a commitment to freedom and democracy even in the face of Indian concerns that they had not been consulted in the first place.⁴³

India was represented at the United Nations wartime alliance and conferences, but not by its nationalist leaders as they had not supported the war effort.⁴⁴ The Indian delegation was selected by the British, making India's inclusion a token gesture. Vijayalakshmi Pandit repeatedly reiterated her party's position that India was "made a belligerent" by the British, given that its participation in the war was reluctant.⁴⁵ Subsequently the head of India's delegation to the United Nations, she was an unofficial observer at the San Francisco Conference in 1945, while Nehru was in jail.⁴⁶ The San Francisco Conference seemed to be directed towards "covering up essential problems: in the interest of one or the other Great power."⁴⁷ Though independence was in sight, representatives of the soon-to-be-decolonized state were kept out of the actual processes of determining the World Order. As Pandit, supported by Molotov, would claim, the issue of India was an acid test for the values of the new organization—one it seemed to be failing if one-fifth of the world's population was still subjugated even as the principles of the United Nations were being put to practice.⁴⁸

The United Nation's adoption of the Trusteeship council in place of the Mandate system carried with it the continued burden of this same racially-charged liberalism that saw non-Europeans as less capable. India was wary that bodies such as the Trusteeship Council would defend imperialism like the League of Nations Mandates Commission had. Even American executives at the San Francisco Conferences had noted this continuity between the

two bodies.⁴⁹ India feared being “exploited in this game of greedy and opportunist powers who say one thing and mean another.”⁵⁰ It was not reassuring that the United States seemed to accept at face value the liberal humanitarian values that underwrote the problem these colonial territories posed.⁵¹ It is not inconceivable that, to India, the American role in the United Nations’ adoption of the Trusteeship Council diluted both its and the UN’s commitment to anti-colonialism precisely because of the Mandate precedent.

The term “human rights” became common currency in response to the activities of the Third Reich, prompting H.G. Wells to pen *The Rights of Man* in 1940.⁵² Nehru thought that this new term was likely to be meaningless, like the unenforceable Kellogg-Briand pact banning war. He held that the ills of the world were due to political and economic reasons, and that the “declaration cannot possibly be realized under a system which is dominated by capitalism and imperialism. Thus both of these have to go before one could build anew.”⁵³ Human rights in their early 1940s form did not appeal to Nehru and his associates because they seemed to be premised upon an intellectual tradition that justified considering some parts of humanity as being less human than others. The irony of “human rights” being championed in Europe by the same powers denying them to persons in the Empire weakened their power.

In his travelogue, *One World*, Wendell Wilkie called for a new, American-led world order based on his prediction that the Asian and Eastern European peoples were going to make decisions to end foreign domination, and liberate people for “economic, social, and spiritual freedom.”⁵⁴ Nehru replaced Wilkie’s American-centred narrative with a vision of Indian leadership for countries of the “Third World.” Even prior to independence Indian leaders had attached the rhetoric of human rights to that of decolonization, recognizing self-determination as an essential precondition to enable individual rights. It had now been turned against the Great Powers that had originated it.

The insistence on ending imperialism as a precondition for human rights was no doubt born of a fear of previous experiences in the use of humanitarian rhetoric by the empire to justify its actions.⁵⁵ In turn, the Indian National Congress had also used humanitarian assistance to political ends, to assert a difference stance than the British Empire, with medical missions to China and to the Republicans in the Spanish Civil War.⁵⁶ In February 1947, Nehru had refused to become one of the vice-presidents of the International League for the Rights of Man, later consulted by the United Nations. Nehru rejected the offer because he had “lost some of my [his] enthusiasm for new organizations working for old objectives. I think they are worthwhile and I would hate to discourage any person in this matter. But I feel no urge to join them and be a distant spectator of what they do.”⁵⁷ Nehru thought of spectatorship as passive, describing the spectator as a “plaything of others.” His reluctance was not a matter of disinterest, but a refusal to endorse organizations that would use Indian support without framing this universalism in terms that would extend to the Indian cause of decolonization.

In Nehru’s first radio address as Vice-President of the Interim Government, he spoke of his idea of a World Commonwealth with the “free cooperation of free peoples.”⁵⁸ For the decolonizing world, cooperation and rights were for a collective good. Moyn argues for thinking about colonialism as its own trend within the framework of the United Nations, and not within that of current understanding of human rights. The basis for this distinction is that anticolonial movements called for the liberation and collective rights of peoples rather than individuals, while their ultimate aim was to be economic development.⁵⁹ In Nehru’s own words, “Peace can only come when nations are free and also when human beings everywhere have freedom and security and opportunity... We have, therefore to think in terms of the common man and fashion our political, social and economic structure so that the burdens that have crushed him may be removed, and he may have full opportunity for growth.”⁶⁰ In the

same speech, Nehru goes on to speak of “universal human freedom.” Nehru used the terms “universal” and “human,” but his frame of application is in the interest of the development of a collective identity rather than the individual.

The postcolonial states led by India would work to put an end to the traditions of positivism in international recognition, which understood the international order and law in terms of European realities. This altered the nature of the forum of the United Nations, meaning that at its inception these traits were not evident.⁶¹ India’s first challenge to the world order came with a suit regarding discrimination against Asiatics in South Africa, ostensibly on the basis of “universal” principles against racial inequality. In response to the South African representative, Nichols, at the UN, Vijayalakshmi Pandit confirmed that it was not merely South Africa but western civilization that was on trial at the UN. The civilizing mission and the liberalism it rested on would not be allowed to become pillars of the new international order.⁶² The oddity of the liberal internationalist Smuts, who was greatly influenced by the rhetoric of the civilizing mission, shaping the preamble of the United Nations while calling for ghettoization at home would be brought to the fore.⁶³ Segregation in South Africa would not become a metaphor for the ghettoization of India and other potential non-white nation-states that had been the object of the white man’s burden.

Pandit questioned “whether western civilization is going to be based on the theory of racial supremacy, or whether the barriers imposed between man and man on grounds of color are to be broken.” Instead, she called for “fundamental decencies and unwritten laws in human, national and international relationships.”⁶⁴ To this end, India argued that the General Assembly of the United Nations was the appropriate forum to debate the violation of rights in the Charter of the UN, rather than being relegated to the jurisdiction of the International Court. Effectively, India was arguing for this to be a political rather than legal decision. The European provenance of the words of the charter was counteracted by a forceful

reinterpretation to redefine international, national, and individual relationships. India's challenge to discrimination against Asiatics was transformative because it challenged the European right to rule and opened up the UN as a platform for the former colony turned sovereign nation-state.⁶⁵ That two thirds of the General Assembly supported India indicated that times were changing.

Paradoxically, Pandit also categorized the treatment of Indians in South Africa as a "national insult" that needed to be addressed.⁶⁶ In 1946, India still saw itself as responsible for its imperial diaspora and by using the language of "national insult" insisted that any form of international system that was less than equal for Indians would be unacceptable. Using the voice of the fledgling nation-state for a so-called national cause India's position had universal implications for the rights for all colonized peoples. The idea of self-determination rather than human rights as the call of the hour was reinforced by the idea that the former is a prerequisite for the latter.

In 1947, India wanted discrimination and minorities to be defined in the interest of a diaspora that it no longer counted as part of the nation-state.⁶⁷ Its representative, Hansa Mehta, played an enthusiastic role in the discussions on human rights at the newly formed United Nations:

India is particularly interested in this subject, since for many years the government of India has been engaged in attempting to secure to Indians abroad equal fundamental rights with white populations...⁶⁸

After Nehru announced in 1947 that the diaspora were nationals of the places they were resident, and not Indian, the rhetoric of national insult was replaced by a rhetoric of rights for the diaspora.⁶⁹ The Indian perspective was that this was a population that had been

transplanted at the behest and to the benefit of the governments of these countries, but despite that had repeatedly been denied rights.⁷⁰ It allowed for their rights to be protected without infringing upon the work of these other nations.

By contrast, self-determination was given a decidedly anti-colonial character as applying only to those under foreign domination, and not minorities. By the Eighth session of the Commission on Human Rights, India's tune about minorities had changed in order to uphold her own right to self-determination. India claimed that the draft covenant point assured human rights even in a totalitarian state. It was only the colonial system of government that could continue to deprive people of rights. Minorities (particularly religious) could not be part of this discussion, as that would set a dangerous precedent in response to domestic concerns of the diverse post-colonial state that was in the process of defining itself.⁷¹

Indian suspicions of new American-led internationalism also extended to humanitarian efforts led by the United Nations agencies. UNRRA had been set up in 1943 to provide relief to any victims of war. The India League of America had unsuccessfully lobbied for UNRRA's activities to extend to relief to the famine in Bengal and Assam.⁷² UNRRA had, however, taken responsibility for the Polish refugees in India in 1946. The Government of India was pleased at the idea of financial help but "they would have to be satisfied that the new authority would not so function as to jeopardize the principles of relief which they have adopted for their own nationals."⁷³

While these principles of relief find no more elaboration, the words "for their own nationals" are striking. Indian refugees were to be dealt with by the Indian government—so much so that the funding for the Coimbatore camp for refugees was no longer the responsibility of His Majesty's Government once the ~~former~~ European-only camp was open to Anglo-Burmese and Anglo-Indians.⁷⁴ The same attitude would characterize India's

relationship with UNRRA, the premier international agency for relief and rehabilitation at the time.

The British Government was not pleased with the idea of UNRRA acting in India for reasons to do with its international observation of the breakdown of British Indian policies. Just prior to the Indian vote on a second contribution to UNRRA, ships carrying wheat to India were diverted to UNRRA countries. The official line was that India was a large country, and the war had only affected the edges of its territory, something that its vast size and economy could bear. Indians like Nehru rejected this position as being ignorant of the nature of colonial economics and imperialism. India chose to withdraw from UNRRA despite acknowledging that it did good work because of its failure to acknowledge, let alone dent, contemporary imperialism.⁷⁵

It is no accident that the same archival file in the British Library that notes India's voluntary exclusion from UNRRA's successor, the IRO, also points to its enthusiastic participation in the deliberations on what would become the Universal Declaration of Human Rights. The declaration enshrines the right to leave and return to the country to which one belonged, and also the right to seek asylum in another country. What it does not include is the right to enter a country other than one's own, with the decision remaining in the hands of that sovereign entity. India did not see contemporary efforts for refugees as unimportant, but considered the projects meaningless for India ~~beyond making it a spectator to the regime~~ ~~should it challenge the right to determine those allowed to cross India's borders.~~ In her iconic work *The Origins of Totalitarianism*, Hannah Arendt ponders the connection between human rights and the nation state. She concludes that the rights of man could only be enforced by a community or a state. The deprivation of human rights is not caused by the lack of the natural rights of man, but of a theatre in which to exercise them.⁷⁶ The Nehruvian vision of the nation state fit within this conception of the world. The idea was to create a state within which

Indians could exercise their rights, hitherto subjugated to the concerns of empire. But in its attempts to reorder the world to recognize colonized peoples, India would also fall into the same trap of the exclusion of others.

Rights Based on Belonging: The Self-Determined Nation State

The political thinkers of the decolonizing world were also its political practitioners, the activities pertaining to the former obscured by their political careers.⁷⁷ India was no exception. Nehru, the architect of much of India's early foreign policy, was a man whose politics were strongly affected by his historicism. "He posited political action, and even life itself, as a dynamic act of mediation between the past, present and future."⁷⁸ Further, Nehru also believed in the Hegelian notion of the state as the "locus and signifying agent" in history, in a world experiencing the crisis of European civilization and when freedom itself was being renegotiated.⁷⁹ The achievement and maintenance of the nation-state was the maintenance of Indian agency.

Nehru thought in connected global and local terms.⁸⁰ In recognizing that the past shaped the future, Nehru felt that the Second World War had made clear the powerful hold of nationalism. Nationalism was narrow and useless unless it was tied to internationalism, while internationalism would fail unless it was tied to nationalism, since it seemed to be the "irrepressible urge" of people in every country. Nehru wrote to the Indian Progressive Writer's Association, pushing for them to combine nationalist and internationalist tendencies, and to focus on the potential future emerging from this war rather than its immediate conditions.⁸¹ He wanted to practice a reworked idea of internationalism and nationalism, informed by past experience but in pursuit of future progress for Indians. But the 1940s were formative years, coinciding with the creation of the new Indian nation-state which had been overdetermined precisely in response to the international order that it would attempt to

alter.⁸² Newly independent India emerged from a nationalist struggle that used the rhetoric of self-determination but operated in a world order that prioritized territory. The definition of the Indian nation, on the other hand, had been forged in response to discrimination faced by a diaspora within the British empire. Indian identity had often been formulated outside Indian territory, as with Gandhi in South Africa.⁸³ There was a territorial notion of a state within the subcontinent, but a transnational Indian identity that had been formed across the empire.

By 1947, India had already experienced the presence of those displaced from Europe by war but did so as a colony rather than a nation-state. By the time India achieved sovereign status and was welcomed into the world of nation states, the refugee regime had already been defined several times over. UNRRA was born of the wartime United Nations alliance and was focused on material relief for refugees and on projects of national reconstruction. Indian nationalists saw UNRRA as draining its resources without any benefit to Indian people despite its worthy larger aims. UNRRA came to be replaced by the IRO in the mid-1940s, which the nationalist government of India declined to join.

The Nazis had exemplified the dangers of ethnonationalism spilling into territorial expansion, based on self-determination and the defense of the Germans who were minorities in other states. In part, this prompted the return to the older European idea of state and its citizens defined by territory. The renewed emphasis on the existing territory of the state meant that the nation was now to be derived from the state (and within its bounds).⁸⁴ By the 1940s, the Great Powers would focus on defending the rights of individuals, rather than group identities. But imperial possessions had not yet experienced self-determination, including in its territorial form, which in the Wilsonian liberal imaginary could only be exercised by a group. While the international order had moved on, former colonies and new postcolonial states attached heavy emphasis to the group right of self-determined territorial nation-states.

The refugee becomes a particularly interesting figure in India's transformation from colony to post-colonial nation-state. Its experience in providing asylum as an extension of the British Empire made clear that the rights of the internationally determined refugee or evacuee were greater than those identified as Indian even within the subcontinent. The Rights of Man of the French Revolution had seen the state as the guarantor of rights, taking over from the conception of natural rights.⁸⁵ These were ensured by belonging to a state and therefore the rights of a people, and the type of rights, whether civil or political, depended on citizenship. How could a state that had not yet established the citizen-state-territory nexus in clear terms defend the rights of refugees as defined by the International Refugee Regime of the 1940s and 50s?

India courted self-determination as the right from which all other rights stemmed, and the nation-state was identified as the correct means to provide those rights in the immediate aftermath of the war—though clearly 1940s India also aimed towards an supranational order that was equal in the long-term. Anything that challenged the security of this original right was unacceptable, including the violation of sovereign borders implied by the right to asylum. Asylum was denied as a tactic to preserve the state's ability to ensure other rights to its citizens-to-be. The Eurocentric international order that had defined the contemporary refugee and created the right to asylum also seemed to Indian nationalists to perpetuate an unacceptable imperialism.

My focus is not on the validity of this perspective, but on how those who were empowered to frame policy for independent, post-colonial India understood self-determination. Nehru and other arbiters of post-colonial India's foreign policy certainly saw self-determination as the original right as they shaped India's conception of the universal and its relation to the particular in judicial terms. If India was trying to create a universalism that was bereft of racial and colonial discriminations, premised on her new national status based

on a self-determination that acknowledged minorities as part of the people, then where did this leave refugee-related humanitarianism?

Any question of refugees would be of interest to the nation-state, as it involved crossing the borders integral to its sovereignty. The question of refugees would only become a pan-European phenomenon when the matter affected almost all European states, creating the notion of a European “us.” Prior to this the interests of the nation-state had triumphed over the international problem of the refugee even within Europe. A crucial factor in the success of the international cooperation embodied by both UNRRA and the IRO had been the United States’ enthusiastic participation.⁸⁶ This intersection of humanitarianism and internationalism bore two distinct characteristics then, which awarded benefits to the nation-state and primacy to the United States. India had already withdrawn from UNRRA and had declined to be part of the IRO because its experiences had made it clear that it was not part of the “us” to which these other states belonged.

Nehru’s vision was of a clear line connecting political rights and welfare. It reinforced the idea of an international order of nation-states, with India as one such body. Colonial networks had to be replaced by post-colonial states for an international order that would truly act for all its members.⁸⁷ This had to extend to humanitarian action that treated member states as equal participants and equally entitled to receiving such help, something that was absent in the contemporary idea of the internationally recognized refugee.

Even agents of the British Raj were against Indian participation in refugee bodies. Captain A.W.T. Webb, who had overseen the subcontinental refugee situation during the Second World War, understood that India would be one of the five largest contributors to the IRO if she decided to participate. This was not financially viable. Given that the interim government was in power, concerns stemming from the presence of displaced Europeans in India also became stark. India was concerned about the lack of consultation of the country

that granted asylum or temporary refuge. A corollary of this concern was to do with those who had contravened passport regulations and people whom Indian leaders wanted to repatriate.⁸⁸ Internal memoranda discussing human rights also illustrated that India continued to be suspicious of the weight of power politics in international bodies, suspicious that it was unlikely to “get a fair deal.”⁸⁹

More than a decade later, the Indian government had exactly the same concerns. A 1957 memorandum circulated within the Ministry of Home Affairs discussing the Right of Asylum adopted by the 13th session of the Commission on Human Rights deemed it too radical for India. The idea that the international community as represented by the UN could grant asylum to anybody who faced threats that violated the declaration of human rights was felt to cut into the concept of state sovereignty. The obligations that this would impose upon the state would affect security and economic and social life. But the memo goes on to mention that the Government of India had always maintained that India was not a suitable country for the residence of European refugees.⁹⁰

That Europeans are specifically mentioned even a decade after the war shows their centrality to discussions on refugee status. The brief to Indian delegates at the Third Session of the Economic and Social Council in 1946 also mentions India as unsuitable for them.⁹¹ In the context of the history of refugees, Nevzat Soguk points out that the foreigner-alien and then the refugee had become a means to define the relationship between a people and territory because their displacement implied that they did not fit into the citizen-territory relationship.⁹² Soguk uses this idea for nineteenth century Europe, but the emphasis on alienness in the middle of the twentieth century, when ideas of rights, territory, and nationhood had changed, points to the postcolonial necessity for a different idea of the refugee. It became a way to work towards the citizen-state-territory nexus by a process of elimination.

As noted previously, all aliens were granted the same status under the Foreigners Act, creating a notion of the other that was united only in being non-Indian. Indians themselves were still a body that remained undetermined. It was only with the Asian Relations Conference in 1947 that the new state adopted a territorial definition and divorced itself from the diaspora. The Conference, held mere months prior to the establishment of an independent India, would see the Indian delegation bring up the significance of the relationship between a racial group and the state or nation. In the same meeting, the Indian delegation also stated that each nation should have the right to determine its own composition.⁹³ That this was at the Asian Relations Conference implies that this extended to Asia and was not a reconsideration of the racially charged policies of settler dominions. If anything, it was a conscious means to counter any fears of Chinese or Indian ethnonationalism, another indicator of the legacies of the first half of the twentieth century. In 1946 and early 1947, the Indian state was beginning to define the relationship between its people and territory based on a vision of its standing in the world, both in relation to western states and other Asian and African states (or states-to-be).

~~Racial connotations of belonging emerged in transnational movements of ideas and responses to events.~~⁹⁴ Even as human rights were being codified in the Universal Declaration, institutions with histories rooted in the liberal internationalism that promoted racial difference persisted. It would take several decades after the Universal Declaration for states that had adopted restrictive immigration policies to loosen up these regulations, and even then, not entirely, as today's crises of displacement and migration clearly tell us. The Indian involvement in drafting the Universal Declaration is tied to its humanitarianism—an attempt to build a world where humanitarianism could function. Its refusal of the refugee regime, on the other hand, was the acknowledgement that this change had not yet taken root in the international arena. As Nehru would say in 1948

...India cannot remain in isolation from the rest of the world. It is to the advantage of India, as it will be to the advantage of other countries, to have closer contacts and associations. This may help us in many ways and this may also help the cause of world peace. But whatever associations may be built up, they must in no way derogate from the complete independence of India and the freedom of the policy that she pursues. India is too big and important a country to be swept away any more by the gust of wind from foreign shores. We stand firmly on our soil, receptive to all the good that can come to us, cooperative with others but not allowing ourselves to be pushed about in any direction against our will.⁹⁵

The subcontinental diaspora was identified with the Indian nation, regardless of its legal status, and could therefore return. The Europeans were the only true foreigners to whom refuge had been offered in India, but this hospitality was refused for the future for fear of being held hostage by the Great Powers. These European refugees represented groups that had asserted domination in the past, and in more recent times had been treated better as refugees than Indians as subjects of the Raj.

Arendt notes that the nation-state is premised on equality before law and without this equality it breaks down into a mass of older, more feudal rights and privileges.⁹⁶ In India, the idea of the state and sovereignty was adopted from, and in response to, western domination. For its context, the over-privileged were the colonist and those he considered his equal. But equality before law via citizenship had not yet been established in the new Indian state, therefore creating the potential for a breakdown. It was tough enough to try to establish who was Indian, but the Indian state could limit risk to itself by definitively determining who did not belong.

Unconditional hospitality is “in danger of remaining a pious and irresponsible desire, without form and without potency, and of even being perverted at any moment. Experience and experimentation are the only way to find an appropriate solution.”⁹⁷ The new Indian state was trying to find a happy medium that rendered asylum into a reasonable reality rather than an unreal promise that compromised state sovereignty. The international regime did not seem to account for particular non-European experiences, pushing India towards its own brand of experimentation to see what fitted with its own vision of sovereignty as a decolonizing state in the new World Order.

Beginnings of a Separate Regime

Most studies of the evolution of the idea of refugees and of the refugee regime tend to agree that refugees are a casualty of the system of nation states.⁹⁸ The pursuit of the homogenous national community implied an “other” to define the self against. The decolonizing world had already experienced the presence of persons displaced from Europe but did so without experience of the nation-state itself. By rejecting the European refugees and the Eurocentric definitions set up by the IRO, India’s was maintaining control over who was allowed within its borders. The refugee-alien of the aftermath of the Second World War was a potential means for seemingly still-imperialist internationalist agendas in humanitarian guise to infiltrate the post-colonial state.

In the mid to late 1940s, India was not the recipient of international humanitarian aid, nor was it a humanitarian actor on the ground. UNRRA and the IRO only envisioned India as a contributor to these efforts, without the agency of the actor or the benefit of the object of relief. Humanitarianism implies an interaction between two persons possessing humanity (even if the recipient possesses it to a lesser degree).⁹⁹ In the world of nation-state humanitarianism of the United Nations agencies, the entire international system had to be

reordered to recognize India and Indian people. They had to be seen as equal humans, either as recipients or humanitarians, and not just as some source of funds for issues over which it had no real control.

Recognizing the international regime's definition would bind both the victims and the receiving state to a particular idea of who deserves care.¹⁰⁰ A telegram from the United Kingdom delegation reveals that India did not wish to join the IRO "partly because India was not a suitable area for resettlement and partly because the IRO made no provision for the return of refugee Indians to non-Indian territories of the Far East and South West Asia in which they had previously been resident." The Indian delegate had declared this a "grave omission." Any problems, like the contemporary one of Chinese labor within India, would be settled by bilateral agreement.¹⁰¹ These discussions at the United Nations coincided with the Interim Government rolling out its version of the Foreigners Act. To comply with the international would mean practicing unconditional hospitality because agency to determine the refugee would no longer lie within Indian hands. Instead it would be subject to Great Power politics over the sovereign state, rather than the humanitarian principles of refuge and asylum.

This reaffirmed the oft-stated idea that international humanitarianism excluded India from the role of an active agent, limiting it to merely a provider of resources for other groups to use as they wished. India abstained from voting and participation despite its stated sympathy for the refugee problem, claiming that those immediately concerned with the problem would come up with the best possible solution.¹⁰² Its abstention from all matters to do with the constitution of the IRO and its implementation also signified a decisive affirmation of the 1946 Foreigners Act, which de-recognized those displaced from Europe to India as a concern. This can be read as India's realization that it was neither on the receiving end nor the active humanitarian in her relationship in this new organization, which did not

apply to her relationship with other UN bodies like the Food and Agricultural Organization, or the World Health Organization.

This is not to say that the Indian government was not somewhat suspicious of these bodies, particularly given that discussions contributing to their formation had debated structures similar to colonial intrusion.¹⁰³ Indeed, even the Indian government's acceptance of food aid was tempered by campaigns to "Grow more Food" and to change the diet in pursuit of self-sufficiency.¹⁰⁴ Necessity was a different beast than obligation, and the state would bend to cater to the welfare of the new Indians while simultaneously trying to develop itself to a stage where this was no longer essential—a particular combination of Gandhi's idea of the national community and Nehru's statist development agenda.¹⁰⁵ India wished to take part in an international order based on equity.¹⁰⁶

There is also something to be said for the Nehruvian dismissal of a merely humanitarian approach as inadequate, with an emphasis on science.¹⁰⁷ Science was pressed into the service of the state, with the development agenda at its forefront, and India would actively participate in the creation of technocratic solutions.¹⁰⁸ This was a transformed use of planning inherited from colonial rule in the international pursuit of economic and social progress to undermine its previous paternalism.¹⁰⁹ The spirit of the Interim Government was to privilege Indians, "because obviously India is going to be run by Indians for the benefit of Indians"¹¹⁰ International assistance too would also have to be recast in a conceptually palatable light that would uplift Indians without undue exploitation. Continuing his letter to Einstein, Nehru would ruminate both on the nature of the international order and the nature of national policies that got in the way of larger ideals and desires to help:

Each country thinks of its own interest first and then of other interests. If it so happens that some international policy fits in with the national policy of the country, then that

nation uses brave language about international betterment. But as soon as that international policy seems to run counter to national interests or selfishness, then a host of reasons are found not to follow international policy.¹¹¹

The opposition to imperially influenced policy was offset by the need to re-order the international, and the opportunity had presented itself in the form of the newly formed United Nations. If the European refugee could not be allowed because this would let in the forces of Great Power-led international humanitarianism, then India's 1940s support of universalisms like human rights can be construed as trying to create an equal world in which a decolonizing state could have an equal role in international humanitarianism. In the interim, it would close its borders, and limit its efforts to those whose humanity it acknowledged and in return acknowledged Indians. The national community needed to be kept independent from European encroachment. History and the contemporary world situation showed that despite the 1940s rhetoric of human rights, the very basis of the political international order that had created and codified this rhetoric ensured that the presence of the European even in humanitarian guise would threaten the equality to which the decolonizing world aspired. Refugee policy in India would fall into the Nehruvian conundrum of the idealism of anti-colonial struggle and equality versus the realities of governing a post-colonial state in the post-war world. Refugee policy remained ambiguous because of the circumstances in which the newly independent government found itself—committed to self-determination while attempting to alter the nature of human equality, mediating between unconditional and conditional hospitality. As Nehru would tell Einstein:

I earnestly hope that we shall continue to adhere to the idealism which has guided our struggle for freedom. But we have seen often idealism followed by something far less noble, and so it would be foolish of me to prophesy what the future holds for us.¹¹²

Conclusion

India rejected the concept of the refugee as universal because India did not feel that the state or Indian people were recognized as equally human even in the New World Order. Instead, India sought to eliminate the outsider who threatened the promise of economic progress and equality that independence brought—in short, India adopted a notion of rights guaranteed by the nation-state and its structures. In many ways, India's relationship with refugees suggests the complexities inherent in the concepts of the Rights of Man and individual rights. The international order did not consider citizenship of a self-determined state as a precondition for rights. However, it would remain the right from which all others stemmed, as Arendt tells us. For India, these rights had been lobbied for as the rights of the citizen, first as citizens of the empire, and once that failed, in anticolonial struggle. These rights had never been about the individual, but about the individual's relationship to a collective identity. It was membership in this group that gave the individual his rights. The internationally recognized refugee in the 1940s seemed to threaten the power of the collective by placing it under obligations that were not reciprocated. The constitutive and destructive powers of the idea of the refugee seem to have reasserted themselves in subcontinental politics today.¹¹³

At the end of 2019, the Citizenship Amendment Act (CAA) was signed into law in India. It allows for a fast-track to citizenship for Hindus, Sikhs, Buddhists, Jains, Parsis, and Christians from neighboring Pakistan, Bangladesh, and Afghanistan.¹¹⁴ Notably, it excludes Muslims and refugees of any faith from other locations (like the Tamil refugees from Sri Lanka). The United Nations High Commissioner for Human Rights' efforts to be included in

appeals against the CAA have been denied, on the grounds that it is India's internal matter. In a curious way, this combines two refugee legacies—the longer history of undoing the privileges given to non-Indian refugees on Indian soil, and that of the history of the refugee as the other against whom to define Indianness of the people of the sovereign state.¹¹⁵ In this particular moment, by creating religion as a category to privilege one group of refugees over another, it also has the added effect of othering citizens who do not belong to the listed faiths, as evidenced by the places and people who have been targets of recent violence in India.¹¹⁶ The idea of the refugee has again been used to create a version of the Indian state, this time one that sees itself as protecting the rights of an ethnoreligious group rather than the previous secularly worded colonial emancipation for all Indians. The collective from which the nation-state is derived is being changed, determined against the type of refugee seen to have crossed its borders. Despite signing on to several human rights instruments in the intervening years, international obligations and opinions have been disregarded in the matter of Indianness and its exclusions, born of this longer history of self-definition and sovereignty, and of rights and refugees.

¹No. 449. Note by Sir S. Cripps, My interview with Jawaharlal Nehru, 30 March 1942' Nicholas Mansergh (ed.), *The Transfer of Power, 1942-7: Volume I The Cripps Mission, January – April 1942*, ed. by (London: Her Majesty's Stationary Office, 1970), 557-58

² NMML, Jawaharlal Nehru (pre-1946), Statements by him 315, Statement Issued to the Press at Wardha.

³ Jawaharlal Nehru, *The Essential Writings of Jawaharlal Nehru vol II* ed. S.Gopal and Uma Iyengar (New Delhi: Oxford University Press, 2003), 217

⁵ Nehru Memorial Museum and Library (Hereafter NMML), Hansa Mehta, IInd Instalment, Subject file 5.

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⁶ Pia Oberoi, *Exile and Belonging: Refugees and State Policy in South Asia* (New Delhi : Oxford University Press, 2006), 45–46.

⁷ Sarbani Sen, "Paradoxes on the International 'Regime' of Care: The Role of the UNHCR in India," in Samaddar, *Refugees and the State*, 398; B.S. Chimni, "Status of Refugees in India: Strategic Ambiguity," in Samaddar, *Refugees and the State*, 396–442.

⁸ Daniel Laqua, "Inside the Humanitarian Cloud: Causes and Motivations to Help Friends and Strangers," *Journal of Modern European History* 12, no.2 (2014):180.

⁹ Philip Marfleet, "Refugees and History," *Refugee Survey Quarterly* 26, no.3 (2007); "Explorations in a Foreign Land: Refugees, States and the problem of history," *Refugee Survey Quarterly* 32, no. 2 (2013).

¹⁰ The Gazette of India, part V, Nov. 9, 1946, 254-8.

<http://egazette.nic.in/WriteReadData/1946/O-2374-1946-0000-110607.pdf> (accessed March 3, 2020).

¹¹ For a discussion on the multiplicity of terms used for those displaced in the War, see Yasmin Khan, "Wars of Displacement," in *The Cambridge History of the Second World War* vol. 3, ed. Michael Geyer and Adam Tooze (Cambridge: Cambridge University Press, 2015), 277–97.

¹² Paula Bannerjee, "Aliens in a Colonial World," in Samaddar, *Refugees and the State*, 69–104.

¹³ Khan, *The Raj at War: A People's History of India's Second World War*, (London: The Bodley Head, 2015)

¹⁴ Marilyn Lake and Henry Reynolds, *Drawing the Global Colour Line: White Men's Countries and the Challenge of Racial Equality* (Cambridge: Cambridge University Press, 2008), 340–41; For more on the clause of racial equality, see Naoko Shimazu, *Japan, Race and Equality: The Racial Equality Proposal of 1919* (London; New York: Routledge, 1998). For an understanding of how 1919 affected Indian nationalists, see Itty Abraham, “A Brief History of the Nation-State,” in *How India became Territorial*, 46–72.

¹⁵ “Treatment of Refugees,” *Times of India*, May 1, 1942. For a detailed account of the Indian exodus from Burma and how this group was treated, see Hugh Tinker, “A Forgotten Long March: The Indian Exodus from Burma, 1942,” *Journal of Southeast Asian Studies* 6, no. 1 (1975).

¹⁶ Nehru, *Selected Works of Jawaharlal Nehru*, vol.12 (New Delhi: Jawaharlal Nehru Memorial Fund 1979), 167.

¹⁷ NMML, Jawaharlal Nehru (pre-1946), Statements by him 315, Statement Issued to the Press at Wardha.

¹⁸ *Ibid.*

¹⁹ Anuradha Bhattacharjee and Franek Herzog, *The Second Homeland: Polish Refugees in India* (New Delhi: Sage, 2012).

²⁰ British Library Archives and Manuscripts, India Office Records (hereafter BLAM), IOR/L/PS/8/433. Maintenance of British nationals evacuated from Far East: general 1942–36.

²¹ BLAM, IOR/L/PJ/8/390. Evacuation and repatriation of British nationals from Hungary, the Balkans, Turkey and Syria, 1944–47.

²² BLAM, IOR/L/AG/40/1/136. Correspondence: Refugee and Repatriation files, mainly of the Government of India.

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- ²³ BLAM, IOR/L./AG/40/1/133. Correspondence: Refugee and Repatriation files, mainly of the Government of India: RRO/B 5-48.
- ²⁴ BLAM, IOR/L/AG/40/1/131. Correspondence, 1940.
- ²⁵ BLAM, IOR/L/PS/8/433 Maintenance of British nationals evacuated from Far East: general 1942-36.
- ²⁶ BLAM, IOR/L/AG/40/1/131. Correspondence, 1940.
- ²⁷ Khan, *The Raj at War*, 125.
- ²⁸ "Madras Council Supports Action Against Congress," *Times of India*, November 20, 1930.
- ²⁹ "Refugees from Burma," *Times of India*, April 29, 1942.
- ³⁰ "Indian Evacuees from Burma: Pandit Kunzru's Allegations," *Times of India*, May 7, 1942.
- ³¹ "Big Contingent of Refugees," *Times of India*, September 6, 1938.
- ³² NMML, M.S. Aney Papers, Subject File 3.
- ³³ The equivalent of approximately £195,300,000 today, or roughly £4,506,000 in 1943.
- ³⁴ "Jewish Refugees for Kenya : Indians protest," *Times of India*, September 22, 1938.
- ³⁵ "Indians Overseas," *Times of India*, March 3, 1939.
- ³⁶ NMML, Jawaharlal Nehru (pre-1946), Statements by him, 281.
- ³⁷ Nehru, *The Essential Writings, vol II*, 411–12.
- ³⁸ Nehru, *The Discovery of India (Centenary Edition)* (New Delhi: Oxford University Press, 1989), 53.
- ³⁹ Nehru, *Selected Works of Jawaharlal Nehru, vol.12* (New Delhi: Jawaharlal Nehru Memorial Fund, 1979), 171.
- ⁴⁰ Elizabeth Borgwardt, "When you State a Moral Principle, You are Stuck with It: The 1941 Atlantic Charter as a Human Rights Instrument," *Virginia Journal of International Law* 46 no. 3 (2006).

⁴¹ Dan Plesch, "How the United Nations Bear Hitler and Prepared the Peace," *Global Society* 22, no. 1 (2008).

⁴² Foreign Relations of the United States (hereafter FRUS), Diplomatic Papers, 1942, Volume I, General; The British Commonwealth; The Far East, *Mr. Mohandas K. Gandhi to President Roosevelt*, July 1, 1942.

The Cripps mission was an attempt to secure Indian support for the war by discussing the nature of post-war governance and territorial questions with the Indian National Congress and the Muslim League. The proposed solutions were rejected by all parties, including Churchill.

⁴³ FRUS, Diplomatic Papers, 1942, Volume I, *President Roosevelt to Mr. Mohandas K. Gandhi*, August 1, 1942.

⁴⁴ "Pandit Nehru Should Supersede Mr. Gandhi": Sir F. Khan Noon's Views, *Times of India*, May 4, 1945.

⁴⁵ "India Not Willing Participant In War": Mrs. V. Pandit's Criticism," *The Times of India*, April 25, 1945.

⁴⁶ Manu Bhagavan, "Showdown in San Francisco," in *India and the Quest for One World: The Peacemakers* (New York: Palgrave Macmillan, 2013), 33-49.

⁴⁷ Nehru, *Selected Works vol. 14*, 433.

⁴⁸ "Declare India Independent At Once": Mrs. Pandit's Plea At San Francisco, *Times of India*, May 7, 1945.

⁴⁹ Huntington Gilchrist, "V. Colonial Questions at the San Francisco Conference," *American Political Science Review* 39, no. 5 (1945).

⁵⁰ Nehru, *Selected Works Of Jawahar Lal Nehru-Second Series, vol. I* (New Delhi: Jawaharlal Nehru Memorial Trust), 450-51.

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- ⁵¹ E.B. Haas, “The Attempt to Terminate Colonialism: Acceptance of the United Nations Trusteeship System,” *International Organisation* 7, no.1 (1953); Annette Baker Fox, “The United Nations and Colonial Development,” *International Organisation* 4, no.2 (1950).
- ⁵² Samuel Moyn, *The Last Utopia: Human Rights in History* (Cambridge, Mass: Belknap Press of Harvard University, 2010), 44–45; Mark Mazower, “The Strange Triumph of Human Rights 1933–1950,” *The Historical Journal* 47, no. 2 (2004).
- ⁵³ NMML, Jawaharlal Nehru Papers (pre-1947), Correspondence, XIX, Letter to the Editor of the *Hindustan Times*, March 4, 1940.
- ⁵⁴ Wendell Wilkie, *One World* (New York: Simon and Schuster, 1943), 145.
- ⁵⁵ Michael Barnett, *Empire of Humanity* (Ithaca: Cornell University Press, 2011), 61–64. For the politics of the West in the Ottoman Empire, see Davide Rodogno, *Against Massacre: Humanitarian Interventions in the Ottoman Empire 1815-1914* (Princeton; Woodstock: Princeton University Press, 2012).
- ⁵⁶ Maria Framke, “‘We Must Send a Gift Worthy of India and the Congress!’ War and political humanitarianism in late Colonial South Asia,” *Modern Asian Studies* 51, no.6 (2017); “Political Humanitarianism in the 1930s: Indian Aid for Republican Spain,” *European Review of History* 23, no. 1–2 (2016).
- ⁵⁷ Nehru, *Selected Works, Second Series, Volume 2*, 488.
- ⁵⁸ Nehru, *Selected Works, Second Series, Volume 1*, 406.
- ⁵⁹ Moyn, “Why Anticolonialism Wasn’t a Human Rights Movement,” in *The Last Utopia*, 84–119.
- ⁶⁰ NMML, Jawaharlal Nehru (M.O. Mathai) papers, Speeches and Writings by Jawaharlal Nehru, 30.

⁶¹ Mazower, *No Enchanted Palace: The End of Empire and the Ideological Origins of the United Nations* (Princeton: Princeton University Press, 2009); Antony Anghie, *Imperialism, Sovereignty and the Making of International Law* (Cambridge: Cambridge University Press, 2005)

⁶² NMML, Vijaya Lakshmi Pandit, IInd Instalment, Subject File 2.

⁶³ For more on Jan Smuts and the United Nations, see Mark Mazower's "No Enchanted Palace" and Saul Dubow, "Smuts, the United Nations, and the Rhetoric of Race and Rights," *Journal of Contemporary History* 43, no.1 (2008).

⁶⁴ Ibid.

⁶⁵ Mazower, *No Enchanted Palace*, 149–53.

⁶⁶ NMML, Vijaya Lakshmi Pandit, IInd Instalment, Subject File 2.

⁶⁷ NAI, External Affairs and Commonwealth Relations, UNO1, 5(46)-UNO1/1947

⁶⁸ NMML, Hansa Mehta , IInd Instalment, Subject file 5.

⁶⁹ NAI, External Affairs and Commonwealth Relations, UNO1, 5(46)-UNO1/1947

⁷⁰ NMML, Hansa Mehta , Ist Instalment, Subject file 15(i); M.S. Aney Papers, Subject File 3.

⁷¹ NMML, Hansa Mehta Papers Ist Instalment. Subject File 15.

⁷² "Letter from JJ Singh requesting support for Mundt amendment," South Asian American Digital Archive," <https://www.saada.org/item/20120811-1047> (accessed January 22, 2019).

⁷³ BLAM, IOR/AG/40/1/135. Correspondence: Refugee and Repatriation files, mainly of the Government of India: RRO/C 21-40, 1921-1940.

⁷⁴ BLAM, IOR/L.AG/40/1/135. Correspondence: Refugee and Repatriation files, mainly of the Government of India: RRO/C 21-40, 1921-1940.

⁷⁵ Bhagavan, "Towards Universal Relief and Rehabilitation: India, UNRRA and the New Internationalism," in *Wartime Origins and the Future United Nations*, ed. Dan Plesch and Thomas G. Weiss (New York: Routledge, 2015).

⁷⁶ Hannah Arendt, *The Origins of Totalitarianism* (New York: Harcourt Brace & Company, 1976 [1948]), 295–99.

⁷⁷ Shruti Kapila, "Global Intellectual History and the Indian Political," in *Rethinking Modern European Intellectual History*, ed. Darrin M. McMahon, and Samuel Moyn (New York: Oxford University Press, 2014).

⁷⁸ Sunil Purushotham, "World History in The Atomic Age: Past, Present and Future In the Political Thought of Jawaharlal Nehru," *Modern Intellectual History* 14, no. 3 (2017): 848.

⁷⁹ Ibid.

⁸⁰ Ibid.

⁸¹ Nehru, *The Essential Writings vol. 1*, 688–689.

⁸² Abraham, "A Brief History of the Nation-State," in *How India became Territorial*, 46–72.

⁸³ Faisal Devji, "A Nation Misplaced," in *The Impossible Indian: Gandhi and the Temptation of Violence* (London: Hurst & Company, 2012), 41–66; Isabel Hofmeyer, "Seeking the Empire, Finding the Nation: Gandhi and Indianness in South Africa," in *Routledge Handbook of South Asian Diaspora*, ed. Joya Chatterji and David Washbrook (New York: Routledge, 2013).

⁸⁴ Alexander B. Murphy, "The Sovereign State System as Political-Territorial Ideal: Historical and Contemporary Considerations," in *State Sovereignty as Social Construct*, ed. Thomas J. Biersteker and Cynthia Weber (New York: Cambridge University Press, 1996), 100–2.

⁸⁵ Arendt, *Origins of Totalitarianism*, 290–92; Moyn, *The Last Utopia*.

⁸⁶ Matthew Frank and Jessica Reinisch, “Refugees and the Nation-State in Europe,” *Journal of Contemporary History* 49, no. 3 (2014).

⁸⁷ Sunil Amrith, “The Political Culture of International Health,” in *Decolonizing International Health India and Southeast Asia 1930-65* (Basingstoke, New York: Palgrave Macmillan, 2006), 72–98.

⁸⁸ NAI, External Affairs, United Nations I, 5(73)-UNO 1/47.

⁸⁹ NAI, External Affairs, United Nations I, 5(11)- UNO 1/48, 1948

⁹⁰ NAI, External Affairs, UN II, UNII/445(16)/64, 1964.

⁹¹ NAI, External Affairs, United Nations I., 5(73)- UNO 1 / 47

⁹² Nevzat Soguk, “Refugees, Human Displacement, and Statecraft: The Ascent of the Territorial Nation-State,” in *States and Strangers: Refugees and the Displacements of Statecraft* (Minneapolis: University of Minnesota Press, 1999), 57–100.

⁹³ Asian Relations Conference, *Being Report of the Proceedings and Documentation of the First Asian Relations Conference New Delhi March-April 1947* (New Delhi: Asian Relations Organisation 1948), 90–91.

⁹⁴ Lake and Reynolds, *Drawing the Global Colour Line*.

⁹⁵ Nehru, *The Essential Writings vol 2*, 243–44.

⁹⁶ Arendt, *Origins of Totalitarianism*, 290.

⁹⁷ Jacques Derrida, *On Cosmopolitanism and Forgiveness* (New York: Routledge, 2001), 20–23.

⁹⁸ Emma Haddad, *The Refugee in International Society*; C.B.Keely, “How Nation States Create and Respond to Refugee Flows,” *The International Migration Review* 30, no. 4 (1996); Aristide Zolberg “The Formation of New States as a Refugee Generating Process,” *The Annals of the American Academy of Political and Social Science* 467 (1983).

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- ⁹⁹ Keith Watenpaugh, "The Beginning of the Humanitarian Era in the Eastern Mediterranean," in *Bread From Stones: The Middle East and the Making of Modern Humanitarianism* (Oakland: University of California Press, 2017), 1–29.
- ¹⁰⁰ Samaddar, "India: Refugees and Dynamics of Hospitality: The Indian Story," in *Immigration Worldwide: Policies, Practices, and Trends*, ed. Uma A. Segal, Doreen Elliott, and Nazneen S. Mayadas (Oxford: Oxford University Press, 2010), 112–23.
- ¹⁰¹ BLAM, IOR/L/PJ/8/445. United Nations Economic and Social Council: Special Committee on Refugees and Displaced Persons: discussions on proposed International Refugee Organisation, 1946–47.
- ¹⁰² NMML, Hansa Mehta Papers, IInd Instalment, Subject File 5.
- ¹⁰³ See Chapter 2 of Amrith's *Decolonising International Health* for Ludwik Rachman's perspective of health as a means of economic control; Statement of the role of the ILO in India in Nehru, *Selected Works Second Series, vol 4*, 552.
- ¹⁰⁴ Taylor C. Sherman "From 'Grow more Food' to 'Miss a Meal': Hunger, Development and the Limits of Postcolonial Nationalism in India, 1947–1957," *South Asia: Journal of South Asian Studies* 36, no. 4 (2013); Benjamin Siegel, "'Self-Help which ennobles a Nation': Development, Citizenship, and the Obligations of Eating in India's Austerity Years," *Modern Asian Studies* 50, no. 3 (2016).
- ¹⁰⁵ Amrith, "Food and Welfare in India c. 1900-1950," *Comparative Studies in Society and History* 50, no. 4 (2008).
- ¹⁰⁶ Nehru, *Selected Works, vol 14*, 431–32.
- ¹⁰⁷ *Ibid*, vol 12, 168–79
- ¹⁰⁸ Kapila, "The Enchantment of Science in India," *Isis* 101, no.1 (2010).

¹⁰⁹ Daniel Gorman, "Britain, India and the United Nations: Colonialism and the Development of International Governance, 1945–1960," *Journal of Global History* 9 (2014).

¹¹⁰ Nehru, *Selected Works -Second Series, vol.1*, 401.

¹¹¹ Nehru, *Selected Works -Second Series, Essential Writings vol.2*, 234.

¹¹² Ibid.

¹¹³ Niraja Gopal Jayal, *Citizenship and its Discontents: An Indian History* (Cambridge, Mass.: Harvard University Press, 2013), 56–63; Zamindar, *The Long Partition*, 135–36; Joya Chatterji, "South Asian Histories of Citizenship 1946–1970," *The Historical Journal* 55 no. 4 (2012).

¹¹⁴ *The Gazette of India*, December 12, 2019, <http://egazette.nic.in/WriteReadData/2019/214646.pdf> (accessed March 3, 2020).

¹¹⁵ Ibid.

¹¹⁶ Summarised in this editorial piece. Mukul Kesavan, "Anti-Muslim Violence in India Serves Modi Well," *Guardian*, February 26, 2020, <https://www.theguardian.com/commentisfree/2020/feb/26/violence-delhi-modi-project-bjp-citizenship-law> (accessed March 3, 2020).