

AIPS STRG Abstract Daniel Waqar

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Daniel Waqar, Department of History, Tufts University American Institute of Pakistan Studies (AIPS) Short-Term Research Grant Application February 15, 2023:

My History Ph.D dissertation project at Tufts University under the supervision of Professor Ayesha Jalal and Professor Kris Manjappa examines the histories of “unlawful assembly” in the transnational Indian Ocean arena, with a particular focus on Punjab in the late colonial and early postcolonial periods. In Pakistan, the invocation of the charge of “unlawful assembly” is intrinsically linked to Section 144 of Pakistan’s Code of Criminal Procedure, which allows local administrators to invoke preventative and prohibitory orders restricting groups of five or more people from assembling in particular places for a determined period of time to protect the “public tranquillity.” Invocations of Section 144 have become routine in contemporary Pakistan, with some of the most recent examples occurring during the last three years of the COVID-19 pandemic, as well as during a number of political rallies and marches across the religious and ideological spectrum. The modern and quotidian application of these laws under the guises of public health as well “law and order” cloaks a much longer colonial genealogy that I intend to unpack in my dissertation. Who exactly composed the unlawful assemblies that the British colonial authorities tried to manage, how did these forms of statecraft emerge, and how did these crowds respond to this regulation of public assemblies? Later, after the end of formal British colonization and Partition, how did the postcolonial states of South Asia (especially Pakistan) respond to crowds? I intend to ask under what historical contexts did these regulations emerge, as well as how and why the postcolonial state maintained these colonial forms of governmentality despite formal state claims of decolonization. A short-term research grant from AIPS will allow me to answer these questions by turning towards archives in Pakistan. My working hypothesis, which I intend to verify and expand with archival fieldwork, is that the postcolonial police and local bureaucracies wielded unlawful assembly statutes in a wide-ranging fashion against a variety of different actors, including laborers, religious minorities, and students, each of whom responded with their own performances and discourses. I envision this project to speak to a number of different conversations about law and social practice in Pakistan. First, this study on crowds will unpack the creation of “emergencies” and “states of exception” in terms of crowd management. South Asia’s unlawful assembly statutes were originally intended in a limited “emergency” sense, bound in both spatial and temporal senses, but eventually became embedded into and inherent parts of the colonial police and bureaucracy, especially after the 1857 rebellion, the 1861 Police Act of India, and processual shifts to more localized rule. Students, laborers, women, religious minorities, and other groups seen as dissidents became targets of colonial and postcolonial unlawful assembly laws. Questions of “sedition” – a slippery concept, which I intend to unpack – were deeply linked to the state’s application of unlawful assembly laws. To that end, I am applying for an AIPS Short-Term Research Grant to travel to Lahore and Islamabad in the summer and

fall of 2023 to work through the range of archives on unlawful assemblies. First, I intend to examine legal texts, high court decisions, and petitions, both at the Lahore High Court and the Islamabad High Court, relating to prominent cases of individuals or social groups charged with unlawful assembly, including during the early postcolonial period (1947-68). Second, I plan to work with physical newspaper archives, such as those located in the Punjab University Library archives, to examine non-digitized popular press reports in Urdu and English on crowd mobilizations during the same time. Third, I also intend to work through Pakistani Constituent Assembly debates, which will show me how a newly independent Pakistan conceptualized ideas of unlawful assemblies, sedition, and emergencies. I have already begun to examine colonial police memoirs, which have showed me how local bureaucrats enforced these statutes, as well as judicial databases (SCC Online, Eastern Book Company), which have allowed me access to colonial legal archives from Lahore. All of this archival research will feed into my dissertation, which will help me expound on the history of unlawful assemblies in South Asia.