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*ABDUCTED WOMEN, THE STATE AND QUESTIONS OF HONOUR:
Three Perspectives on the Recovery Operation
in Post-Partition India*

Ritu Menon & Kamla Bhasin
Kali for Women, New Delhi, India



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Abducted Women, the State, and Questions of Honour
*Three perspectives on the recovery operation
 in Post-Partition India*

by

Ritu Menon & Kamla Bhasin

The substance of this paper is set against the background of the partition of India in 1947, the creation of Pakistan, and the ensuing turmoil as both countries struggled to cope with the aftermath of division. As an event of shattering consequence, Partition retains its pre-eminence even today, despite a couple of wars on our borders and wave after wave of communal violence. It marks a watershed as much in people's consciousness as in the lives of those who were uprooted and had to find themselves again, elsewhere. Chronologies are still qualified with 'before Partition' or 'after Partition', personal histories are punctuated with references to it, so much so that it sometimes seems as if two quite distinct, rather than concurrent, events took place at independence, and that partition and its effects are what have lingered in collective memory. Each new eruption of hostility or expression of difference swiftly recalls that bitter and divisive erosion of social relations between Hindus, Muslims and Sikhs, and each episode of brutality is measured against what was experienced then. The rending of the social and emotional fabric that took place in 1947 is still far from mended.

Official and even historical accounts of partition see it as the unfortunate outcome of sectarian and separatist politics, and as a tragic accompaniment to the exhilaration and promise of a freedom fought for with courage and valour. They have looked at the causes and consequences of the division of the country; analysed the details of the many 'mistakes' and 'miscalculations' made, examined the genesis of the call for a Muslim Homeland, and so on. But when we start looking for social histories or for accounts that try to piece together the fractured reality of the time and of the event itself from a non-official perspective, a perspective from the margins, as it were, we encounter a curious void. Perhaps it has been too painful, too difficult to separate personal experience from corroborated fact, too hazardous, at least for those who tried to record it, to claim 'objectivity'. Indeed, so far only some 'fiction' seems to have tried to assimilate the enormity of the experience.

For those of us who may or may not have lived through Partition but who did witness the massacre of Sikhs in 1984 and hear the survivors, especially the widows, recall the violence and brutality of 1948, the question of how such events are recorded, and by whom, returns to haunt us and acquires greater urgency with each subsequent episode. Recent considerations of how such accounts are to be written, of the place of personal testimony and of bearing witness in them, of the desirability of reconstructing biographies or trusting memory or the collective

retelling of tragedy, have highlighted the importance of each of these aspects in presenting an alternative construction of what took place.¹ They have raised the question of the authenticity of such recording -- individual bias, political stance, ideology, class and gender, all become factors that are critical to any analysis or representation. When one is trying to unravel the complexity of an event that took place 45 years ago but still reverberates in the general consciousness, the enterprise becomes even more treacherous. But without such an attempt, the myriad individual and collective histories that simultaneously run parallel to official accounts of historic moments and are their sequel, almost inevitably get submerged; with them may also be submerged the countering of accepted - and acceptable - versions, to be buried eventually in the rubble of what Gyan Pandey has called the 'aberrations' of history.²

What is presented here is in the nature of an exploration, an attempt to communicate an experience of Partition through those whose voices have hitherto been absent in any retelling of it: women who were destituted in one way or another by the event, as forced mass migrations led to an extreme disruption of life at all levels and exposed them to a kind of upheaval that could only proclaim the dark side of freedom. In their recall, the predominant memory is of confusion, dislocation and a severing of roots as they were forced to reckon with the twin aspect of *azadi* - bewildering loss: of place and property, no doubt, but more significantly, of community, of a network of more or less stable relationships, and of a coherent identity. Overriding all these was a violence that was horrifying in its intensity, and one which knew no boundaries; for many women, it was not only 'miscreants', 'outsiders' or 'marauding mobs' that they needed to fear - husbands, fathers, brothers and even sons, could turn killers.³ That terrible stunning violence and then the silencing pall that descended like a shroud around it have always just hovered at the edges of history; but the story of 1947, while being one of the attainment of independence, is also a gendered narrative of displacement and dispossession, of large-scale and widespread communal violence, and of the realignment of family, community and national identities as a people were forced to accommodate the dramatically altered reality that now prevailed.

The location of women at the intersection of all these forces necessitates a shift in perspective, such that it enables us to look anew at how those apparently fixed and defining characteristics of identity like community, religion, nationality, impinged on women's lives and on their very beings during the worst of the violence and in the years that followed. We propose to do so through an examination of the Central Recovery Operation of the Government of India, carried out between 1948-1956, which sought to recover those women who had been abducted and forcibly converted during the upheaval, and restore them to their respective families and countries where they 'rightfully belonged'.

The material is presented in three voices: the voice of the government, bureaucrats and Members of Parliament; the voices of women themselves; and lastly, those of the social workers to whom the work of rehabilitation and resettlement of recovered

women was entrusted. By doing so, we hope to demonstrate how ambiguous and conflictual the relationship was between the governments of India and Pakistan; between government officers, social workers and the women to be recovered; between the State and its subjects; between Hindus, Muslims and Sikhs; and finally between the women and their families and society. We argue that it was a particular construction of the identity of the abducted woman that determined the entire recovery operation, one that raises serious questions regarding the Indian State's definition of itself as secular and democratic. We further argue that the State, in its articulation of gender identity and public policy underlined the primacy of community identity and implicitly and explicitly departed from its neutrality in assigning values to the 'legitimate' family and community 'honour' and that it did so through a regulation of women's sexuality. Indeed, through legislation, and through executive and police action it effectively reconstituted the multiple patriarchies at work in women's lives within the family and community, and as embedded in institutions and social mores. Finally, it is our contention that it is only when this shift of perspective takes place that the discourse of the State can be interrogated and its assumed secularity, challenged.

Our archive is constituted of extensive and intensive interviews with women who survived the trauma of dislocation, of whom many are to be found in homes, rehabilitation centres and shelters even today, in Punjab and Haryana; in-depth interviews with women social workers who were entrusted with the work of rescue, recovery and rehabilitation; interviews with those government officials who were in charge of the various agencies that were set up to co-ordinate relief and rehabilitation; private papers, diaries and autobiographical accounts of those who were engaged in this activity; government documents, and reports of fact-finding committees, private and public; and the Constituent Assembly of India [Legislative] Debates, 1949.⁴

I

The Hindustan-Pakistan Plan was announced on June 3, 1947 whereby a new political entity, Pakistan, was created, of which West Pakistan was to comprise the Muslim-majority provinces of Sind, the NWFP and 16 districts of Punjab; the remaining 13 districts of undivided Punjab were to be part of India. Although the exact boundary line between the two countries had still to be determined by the Boundary Commission, the exchange of populations had started taking place even before August 15. Within a week of Independence about 11 lakh Hindus and Sikhs had crossed over from West to East Punjab, and in the week following, another 25 lakhs had collected in the refugee camps in West Punjab.⁵ By November 6, 1947 nearly 29,000 refugees had been flown in both directions; about 673 refugee trains were run between August 27 and November 6, transporting 23 lakh refugees inside India and across the border of these 1,362,000 were non-Muslims, and 939,000 were Muslims. Huge foot convoys, each 30-40,000 strong were organised by the Military Evacuation Organisation and Liaison Agency to move the bulk of the rural population, especially those who still had their cattle and bullock-carts with them.

The estimate is that in 42 days (September 18 to October 29) 24 non-Muslim foot columns, 849,000 strong, had crossed into India.⁶ By the time the migrations were finally over, about eight million people had crossed the newly created boundaries of Punjab and Bengal, carrying with them memories of a kind of violence that the three communities had visited upon each other that was unmatched in scale, brutality and intensity.

No-one, they say, foresaw either the rivers of people that would flow from one part of Punjab to the other or the blood that would be shed as they were ambushed and killed in the tens of thousands. The official estimate of lives lost during Partition is placed at half a million, but the number of those destituted would have been much higher. The movement of refugees, though undertaken with military escort as far as possible, was both hazardous and traumatic; convoys were ambushed, families separated, children orphaned, and women abducted, left as hostages or killed by their own families in large numbers. Elsewhere, we have discussed the specific kinds of violence that women experienced at this time both within the family and at the hands of the 'other'; our focus here is on abducted women, and their recovery by both India and Pakistan over almost a decade after Partition.

The material, symbolic and political significance of the abduction of women was not lost either on the women themselves and their families, on their communities, or on leaders and governments. As a retaliatory measure, it was simultaneously an assertion of identity and a humiliation of the rival community through the appropriation of its women. When accompanied by forcible conversion and marriage it could be counted upon to outrage both, family and community honour and religious sentiments. The fear of abduction, or of falling into the hands of the enemy compelled hundreds of women to take their own lives, equal numbers to be killed by their own families and literally thousands of others to carry packets of poison on their persons in the eventuality that they might be captured. And many committed suicide after they were released by their captors for having been thus 'used' and polluted.

Leaders expressed their concern and anger at the 'moral depravity' that characterised this 'shameful chapter' in the history of both countries; the fact that 'our innocent sisters' had been dishonoured was an issue that could not be looked upon with equanimity. 'If there is any sore point or distressful fact to which we cannot be reconciled under any circumstances, it is the question of abduction and non-restoration of Hindu women. We all know our history', said one MP in Parliament, 'of what happened in the time of Shri Ram when Sita was abducted. Here, where thousands of girls are concerned, we cannot forget this. We can forget all the properties, we can forget every other thing but this cannot be forgotten.' And again, 'As descendants of Ram we have to bring back every Sita that is alive'.⁷ A letter dated April 4, 1947 from Nehru to Evan Jenkins, Governor of Punjab, says:

There is one point, however, to which I should like to draw your attention, and this is the question of rescuing women who have been abducted or forcibly converted. You will realise that nothing adds to popular passions more than stories of abduction of women and so long as these ... women are not rescued, trouble will simmer and might blaze out.⁸

Malik Feroze Khan Noon, on a visit to Bihar, made a public announcement that if women were returned within a week it would be assumed that those returning them had been protecting them and had not committed any offence.⁹

At the level of policy, the first initiative was taken at the November 23-25, 1946 session of the Indian National Congress at Meerut at which a resolution was adopted which stated:

The Congress views with pain, horror and anxiety the tragedies of Calcutta, East Bengal, Bihar and some parts of Meerut district ... These new developments in communal strife are different from any previous disturbances and have involved murders on a mass scale, as also mass conversions ... abduction and violation of women, and forcible marriage.

Women who have been abducted and forcibly married must be restored to their houses; mass conversions have no significance or validity and people must be given every opportunity to return to the life of their choice.¹⁰

Communal tension and the ensuing violence escalated at such a rapid pace, however, especially after March 1947, that on September 3, 1947 leaders and representatives of the governments of India and Pakistan met and resolved that steps be taken to recover and restore abducted persons. Thus, on November 17, 1947 the All India Congress Committee passed a resolution which stated:

During these disorders, large numbers of women have been abducted on either side and there have been forcible conversions on a large scale. No civilised people can recognise such conversions and there is nothing more heinous than the abduction of women. Every effort must be made to restore women to their original homes with the co-operation of the governments concerned.¹¹

On December 6, 1947, an Inter-Dominion Conference was held at Lahore at which the two countries agreed upon steps to be taken for the implementation of recovery and restoration with the appointment of Mridula Sarabhai as chief social worker. The primary responsibility of recovery was that of the local police, assisted by a staff of one AIG, two DSPs, 15 inspectors, 10 sub-inspectors, and 6 ASIs.¹² Between December 1947 and July 1948 the number of women recovered in both

countries was 9,362 in India and 5,510 in Pakistan. Recoveries dropped rather drastically after this date one reason put forward being the withdrawal of the MEO from both territories and it was felt that a more binding arrangement was necessary for satisfactory progress. Accordingly, an agreement was reached between India and Pakistan on November 11, 1948, that set out the terms for recovery in each dominion. Ordinances were issued in both countries, in January 1949 for India, and May 1949 for Pakistan; in the case of India it was to remain in force till January 1950, in Pakistan, till it was abrogated.

The official estimate of the number of abducted women was placed at 50,000 Muslim women in India and 33,000 non-Muslim women in Pakistan. Although Gopaldaswami Ayyangar (Minister of Transport, in charge of Recovery) called these figures 'rather wild', Mridula Sarabhai believed that the number of abducted women in Pakistan was ten times the 1948 official figure of 12,500.¹³ Till December 1949, the number of recoveries in both countries was 12,000 for India, and 6,000 for Pakistan and the age-wise break-up was as follows:¹⁴

	<u>In Pakistan</u>	<u>In India</u>
	[in percentages]	
> 12 yrs	45	35
12 > 35 yrs	44	59
35 > 50 yrs	6	4
50 and above	5	2

At the Constituent Assembly [Legislative] session held in December 1949, considerable dissatisfaction was expressed at the low rate and slow pace of recovery in Pakistan, especially from Sind, Baluchistan, Azad Kashmir, and the 'closed' districts of Gujarat, Jhelum, Rawalpindi and Campbellpur. Additionally, there was extreme disquiet at the mention of 2000 non-Muslim women being held by government servants in Pakistan and at a Cease Fire being agreed to in Kashmir without negotiating the return of Hindu women abducted there. Some members even went so far as to call for 'open war to recover our sisters and daughters lying helpless in Pakistan', or at the very least for retaliatory measures, suggesting that only an exchange of women be considered -- what they give is what they will get.

To facilitate recovery and because the ordinance in India expired on December 31, 1949, Gopaldaswami Ayyangar moved a Bill in Parliament on December 15, called The Abducted Persons (Recovery and Restoration) Bill, for the consideration of the house. It extended to the United Provinces of East Punjab and Delhi, the Patiala and East Punjab States Union [PEPSU] and the United State of Rajasthan, and consisted of 10 operative clauses, which the Minister termed 'short, simple, straightforward -- and innocent'; relevant clauses are reproduced below.

2. Interpretation

[1] In this Act, unless there is anything repugnant in the subject or context,

(a) 'abducted person' means a male child under the age of sixteen years or a female of whatever age who is, or immediately before the 1st day of March, 1947, was, a Muslim and who, on or after that day and before the 1st day of January, 1949, had become separated from his or her family and is found to be living with or under the control of any other individual or family, and in the latter case includes a child born to any such female after the said date;

4. Powers of police officers to recover abducted person

[1] If any police officer, not below the rank of an Assistant Sub-Inspector or any other police officer specially authorised by the Provincial Government in this behalf, has reason to believe that an abducted person resides or is to be found in any place, he may, after recording the reasons for his belief, without warrant, enter and search the place and take into custody any person found therein who, in his opinion, is an abducted person, and deliver or cause such person to be delivered to the custody of the officer in charge of the nearest camp with the least possible delay.

[2] In exercising any powers conferred by sub-section (1) any such police officer may take such steps and may require the assistance of such female persons as may, in his opinion, be necessary for the effective exercise of such power.

[5] (2) In making any regulations under this section, the Provincial Government may provide that a breach thereof shall be tried and punished by the officer in charge of the camp in such manner as may be prescribed in the regulations: Provided that no abducted person shall be liable to be tried in a criminal Court in respect of any offence made punishable by any regulations made under this section.

[6] Determination of question whether any person detained is an abducted person

(1) If any question arises whether a person detained in a camp is or is not an abducted person or whether such person should be restored to his or her relatives or handed over to any other person or conveyed out of India or allowed to leave the camp, it shall be referred to, and decided by, a tribunal constituted for the purpose by the Central Government.

(2) The decision of the tribunal constituted under sub-section (1) shall be final: Provided that the Central Government may, either of its own motion or on the application of any party interested in the matter, review or revise any such decision.

[7] Handing over of abducted persons to persons authorised

(1) Any officer in charge of a camp may deliver any abducted person detained in the camp to the custody of such officer or authority as the Provincial Government may, by general or special order, specify in this behalf.

(2) Any officer or authority to whom the custody of any abducted person has been delivered under the provisions of sub-section (1) shall be entitled to receive and

hold the person in custody and either restore such person to his or her relatives or convey such person out of India.

[8] Detention in camp not to be questioned by Court

Notwithstanding anything contained in any other law for the time being in force, the detention of any abducted person in a camp in accordance with the provisions of this Act shall be lawful and shall not be called in question in any Court.

[9] Protection of action taken under Act

No suit, prosecution or other legal proceeding whatsoever shall lie against the Central Government, the Provincial Government or any officer or authority for, or in respect of, any act which is in good faith done or intended to be done in pursuance of this Act.

As is evident the Bill, although it may indeed have been short, was not as simple, straightforward or innocent as the Minister would have the house believe. More than 70 amendments were moved by 20 members in an extended debate on the Bill that took a full three days to pass. Every clause, sub-clause and section was discussed threadbare, and serious objections were raised on everything from the preamble to the operative clauses. The main objections related to the definition of abductors, and the time-frame that the Bill referred to (March 1, 1947 and January 1, 1949); the virtually unlimited powers given to the police with complete immunity from enquiry or action and no accountability at all; the denial of any rights or legal recourse to the recovered women; the question of children; the constitution of the tribunal; camp conditions and confinement; forcible return of unwilling women; unlimited duration for the Bill to remain in force; and the unequal and disadvantageous terms of the agreement for India vis-a-vis Pakistan.

The amendments moved by members sought to mitigate many of the gross irregularities they pointed out, and to qualify or modify certain other procedural aspects that were set out. But despite their strenuous efforts the Honourable Minister declined to incorporate a single amendment or modification proposed (bar one, limiting the duration of the Bill to December 1951) and it was passed, unchanged, on December 19, and notified in the Official Gazette on December 28, 1949.

But more on this later; we will turn now to the women themselves.

II

Even were it desirable, it would be difficult to present an accurate profile of the abducted woman during that turbulent time. From the official figures quoted earlier, it is clear that of those recovered, the majority were below the age of 35, and primarily from the rural areas. From what we have been able to gather through interviews and some documents, however, the circumstances of their 'abduction' varied widely. Some were left behind as hostages for the safe passage of their

families; others were separated from their group or family while escaping, or strayed and were picked up; still others were initially given protection and then incorporated into the host family; yet again as in the case of Bahawalpur State, all the women of Chak 88 were kept back, and in Muzaffarabad district of Azad Kashmir it is said that not a single Sikh male was left alive, and most of their women and young girls were taken away to the provinces. Some changed hands several times or were sold to the highest or lowest bidder as the case might be; some became second or third wives; and very very many were converted and married and lived with considerable dignity and respect. A Sikh school-teacher we met had spent six months with a Muslim neighbour in Muzaffarabad after the October 1947 raid, before she crossed over safely to Srinagar; her younger sister who had been abducted could never be located, despite sustained efforts by the family and the International Red Cross. In the mid-eighties she returned to Muzaffarabad where she stayed for six months, visiting every Hindu and Sikh woman who had remained behind, talking to them of their lives and circumstances. Of the 25-30 women she met, she informed us that only one could be said to be unhappy and in unfortunate circumstances. All the others, though nostalgic and distressed at not being able to meet their natal family freely, seemed to her to be settled and held in regard both by the community and their new families. And there were a few among them whose circumstances had in fact improved. 'After all', she remarked, 'where is the guarantee of happiness in a woman's life anyway?'

It is by no means our intention to suggest that the predicament these women found themselves in was not traumatic or fraught with anxiety and uncertainty; merely that it would be false to presume that their lot was uniformly grim, their 'abductors' without exception 'bestial' or unreliable and craven, and to assert, as Mridula Sarabhai did, that recovery was 'an effort to remove from the lives of thousands of innocent women the misery that is their lot today and to restore them to their legitimate environment where they can spend the rest of their lives with *izzat*'.¹⁵ Nor is it our case that the recovery effort should never have been made; going by the few accounts that exist and on the basis of the interviews we have conducted with women themselves and those whose care they were entrusted to, the majority of women recovered were rehabilitated in greater or smaller measure or restored to their families. Our purpose here is to look beyond these at the many discordant notes that were struck in the process of recovery; at the conflicting claims that were made and voices that were raised; at the silence that was almost unfailingly imposed on the women after the event, and at what all these tell us about the particular vulnerability of women in times of communal violence when each one of their identities -- gender, community and nationality -- is set up against the other and contested. Let us listen then to what the women themselves have to say of their experience. Two accounts, one by a social worker who was the superintendent at Gandhi Vanita Ashram, Jalandhar,¹⁶ for several years and worked with recovered women, and the other of an abducted woman recovered in 1956, are illustrative. In a personal interview with us the social worker recounted:

1. Some time in 1950 I was required to escort 21 Muslim women who had been recovered to Pakistan. They did not want to return, but the Tribunal had decided that they had to go. They were young, beautiful girls, and had been taken by Sardars. They were determined to stay back because they were very happy. We had to use real force to compel them to go back. I was very unhappy with this duty -- they had already suffered so much, and now we were forcing them to return when they just didn't want to go. I was told, '*Ey tan aiveyeen raula pa raiyan ne, enada ta phaisla ho chuka hai enanu ta bhejna hi hai* (These girls are simply creating a commotion for nothing, their case has been decided and they have to be sent back)'

The girls were desperate. The news got around and I received two anonymous letters saying, 'If you take our women away to Pakistan we will kidnap you too'. Those women cursed me all the way to Amritsar, loudly and continuously. When we reached Wagah, it was evening and we found that there were about 15 other jeeps that had also accompanied us - all belonging to their relatives! They were hoping that should any one of the girls manage to escape, they would pick her up and take her back. As far as I could see, they were all Sikhs. I told the Pakistan SP who was with me that to transfer them at this point into Pakistani jeeps was a risky business - the girls will raise a real hue and cry and we won't be able to restrain them. We had no lady police - you see, in those days there were hardly any - and I won't allow the policemen to man-handle any woman, whether she's a Hindu or a Muslim. And if they resist, we will have no choice but to use force. Now our jeeps couldn't go across without permission. Eventually we managed to get cleared, and as soon as we reached Pakistan, these same women who had made such a commotion, became absolutely quiet. This the Pakistan SP had already told me.

Naturally, as soon as we reached Pakistan, the women realised their complete helplessness - what else can you call it? It was complete helplessness, they had been transferred from one set of butchers (*kasais*) to another ... what could they do?

When the jeeps came to a halt, the SP dismounted, went round to the back of the jeeps, opened the door and rained abuses on those poor women. He shouted at them and said, 'Now tell me, which one of you wants to go back to India? Tell me and I'll let you off right now to find your way back. Let's see how far you get'. They shouted back at me - after all, I was the one who had brought them - they kept saying, 'Why are you destroying our lives?' Earlier, when I had brought them from Jalandhar jail saying, this is a government agreement, our girls are also being returned, they had shouted at me, 'Who are you to meddle in our lives? We don't know you, what business is it of yours?'

return because she was carrying her husband's first child. Her father returned, heartbroken and minus his daughter, and died shortly thereafter.

K. had two sons and four daughters, commanded great respect in her family and community and according to the accounts of those who visited her, lived well and with great dignity. She had complete *azadi*, we were told, didn't believe in Islam, was not obliged to read the Qoran or say her *namaaz*. The common description of her was that she was like a *dervesh* whose words had an almost oracular importance. She never moved out without a pistol (is supposed to have shot dead three intruders who entered her house when she was alone), always kept a *lathi* by her side, was quite militant and wrote reams of mystic poetry.

K.'s brother, who we met, said she was filled with longing for her family after she met her father, and wrote and wrote and wrote, letters that spoke heart-rendingly of the wall of separation that had come between them, of the misfortune that divided them forever.

Who has aimed these arrows of separation?

Neither you, nor me.

He has released these arrows of separation

That forever divided you and me.

When her brother wrote once that for them she was forever lost, she responded with, 'How can you talk of purity and honour? How can you denounce me for what was no fault of mine?' When he visited her 40 years later, she sat guard by his bedside, all night, every night, for the two months that he stayed with her. But she did not visit them in India even once, nor did she even return to their ancestral village in Muzzafarabad.

These three narratives (as well as the disputed cases heard by the Tribunal, and the several stories we were told of women who had managed to escape from the transit camps on both sides) offer clear clues regarding the particular circumstances of abducted women's lives and the individual adjustments they made in order to achieve a degree of equilibrium that would enable them to take up the threads of living again. At the same time they are an indication of the strong resistance and, often refusal of many women to conform to the demands of either their own families or their governments, to fall in line with their notions of what was legitimate and acceptable. Some women who resisted returning to their countries resorted to hunger strikes, others refused to change out of the clothes they had been wearing either when they were recovered or when they had been abducted. Their protest could be powerful and searing. One young recovered girl confronted Mridula Sarabhai thus: 'You say abduction is immoral and so you are trying to save us. Well, now it is too late. One marries only once -- willingly or by force. We are now married - what are you going to do with us? Ask us to get married again? Is that not immoral? What happened to our relatives when we were abducted? Where

were they? ... You may do your worst if you insist, but remember, you can kill us, but we will not go.'¹⁷

The challenge posed by those 21 Muslim women to the social worker - 'Who are you to meddle in our lives?' - was a challenge directed at the State itself, a State that had already lost any legitimate claims it might have made to intervene in their lives by its complete failure to prevent the brutality and displacement that accompanied Partition. 'There was so much distrust and loathing for us in their hearts', we were told by a social worker who was Rameshwari Nehru's right hand person for 18 years, 'they would say, "If you were unable to save us then, what right have you to compel us now?"'. To assurances that they were India's and Pandit Nehru's daughters and that the government was duty-bound to look after them, they retorted angrily, 'Is this the freedom that Jawaharlal gained? Better that he had died as soon as he was born our men have been killed, our homes destroyed'.

For those who were recovered against their wishes - and there were many - the choice was not only painful but bitter. Abducted as Hindus, converted and married as Muslims, recovered as Hindus but required to relinquish their children because they were born of Muslim fathers, and disowned as 'impure' and ineligible for membership within their erstwhile family and community, their identities were in a continual state of construction and reconstruction, making of them, as one woman said to us, 'permanent refugees'. We were told that often, those women who had been abandoned by their families and subsequently recovered from Pakistan, simply refused to return to their homes, preferring the anonymity and relative autonomy of the *ashram* to a now alien family.

III

In all, approximately 30,000 women, Muslim and non-Muslim, were recovered by both countries over an eight year period. Although most of the recoveries were carried out between 1947-52, women were being returned to the two countries as late as 1956, and the Act was renewed in India every year till 1957, when it was allowed to lapse. Recoveries were more or less abandoned in the two or three years prior to this, largely because Mridula Sarabhai came in for some adverse criticism, and resigned. The total number of Muslim women recovered was significantly higher - 20,728 as against 9,032 non-Muslims.

On January 16, 1948, Nehru made a public appeal through the newspapers, in which he said:

I am told that there is an unwillingness on the part of their relatives to accept those girls and women (who have been abducted) back in their homes. This is a most objectionable and wrong attitude to take and any social custom that supports this attitude must be condemned. These girls

and women require our tender and loving care and their relatives should be proud to take them back and give them every help.¹⁸

Mahatma Gandhi who, after the Noakhali riots of October 1946, had resolved to go and 'wipe away the tears of the outraged womanhood of Noakhali' expressed similar sentiments. He said:

I hear women have this objection that the Hindus are not willing to accept back the recovered women because they say that they have become impure. I feel that this is a matter of great shame. That woman is as pure as the girls who are sitting by my side. And if any one of those recovered women should come to me, then I will give them as much respect and honour as I accord to these young maidens.¹⁹

Quite early in the recovery process, social workers came up not only against resistance on the part of families or of the women to be claimed, but also against those whose status could not easily be determined. These were the disputed cases, and generally consisted of those who said they were in either country out of choice, had voluntarily stayed back, or had been married to either a Hindu or a Muslim as the case may be, before August 15, 1947. There is no doubt that many were compelled or coerced into saying so for a variety of reasons, but it is also clear from the cases that came up before the joint tribunals that there were enough who protested against forcible recovery in the only way open to them - refusal to comply.

In a letter dated March 3, 1948 to K.C. Neogy, Jawaharlal Nehru wrote:

I have just had a telephone message from Sushila Nayyar from Patiala. She told me that a great majority of the (Muslim) women recovered refused to leave their new homes, and were so frightened of being taken away forcibly that they threatened to commit suicide. Indeed, last night 46 of them ran away from the camp through some back door. This is a difficult problem. I told Sushila that she can assure these women that no one is going to send them forcibly to Pakistan, but we thought it desirable for them to come to Delhi so that the Pakistan High Commission and others could then find out what their desires were. This would finally settle the question. In any event I assured her that we would not compel any girl to be sent to Pakistan against her wishes.²⁰

The question could not so easily be laid to rest, however, for the issue became a matter of prestige for both countries: how many Hindu and Muslim women were returned and in what condition, and how the authenticity of conflicting claims was to be established gradually took precedence over the humanitarian aspects of recovery. The issue, in addition to being focussed on the identity of the women as, of course, being either Muslim or Hindu, also extended to their being citizens of their 'respective countries', needing to be reclaimed. Kamlabehn Patel, who

worked in the Lahore camp for four years in close association with Mridula Sarabhai, said to us: 'The identification was done according to the countries they belonged to, this one is Indian, this one a Pakistani. Partition was internally connected with Islam, the individual, and the demand for a separate homeland. And since this label was attached, how could the women be free from it?' Speaking of the disputed cases, she continued, 'The government of India said any person abducted after the 31st of August, either women or children, must go to their respective countries, whether they desire to or not.'²¹

The major part of the recovery operation extended up to 1952, although as mentioned earlier, women were being claimed and returned as late as 1956 through official channels. The public appeals made by Gandhi and Nehru indicate that the number of families unwilling to accept women who had been 'defiled' by the Muslims was by no means insignificant; according to one social worker, the problem became so pressing that the Ministry of Relief and Rehabilitation was constrained to print and distribute a pamphlet that sought to educate the public on the subject: it said that just as a flowing stream purifies itself and is washed clean of all pollutants, so a menstruating woman is purified after her periods. Similarly, the All India Women's Conference Report of its 21st session in Gwalior mentions that the Delhi Branch organized public meetings in different localities during Recovery Week in February 1948. It says, 'Some of the office bearers and a few members did propaganda work in connection with abducted women by going about in a van through streets of New Delhi and speaking to the public on loudspeakers.' No details of this propaganda are given but one can guess its contents without being too far off the mark.

The anticipation of just such a rejection by that very family and community that was to provide them succour was one reason why many women resisted being recovered. Kamlabehn says:

The women who came to our camp put us this question: 'Where will we go if our relations don't keep us?' And we used to reassure them that, 'you are India's daughter, Pandit Nehru's daughter, and as such the government is duty-bound to look after you. We shall keep you in a camp'.²²

Pregnant women were obviously more vulnerable than others. Kamlabehn told us that lists of all the pregnant women would be made and sent to Jalandhar; there, the women would be kept for three months or so, be given a complete 'medical check-up' (a euphemism, we soon learnt, for an abortion, illegal at the time) and only then be presented to their relatives, 'because', she said, 'if they came to know that the woman is pregnant, they would say, let her stay in the camp and have her child'.

Meanwhile the government passed an ordinance to say that those women whose babies were born in Pakistan after Partition would have to leave them behind, but

those whose children were born in India, could keep them. According to Kamlabehn: 'For the government this was a complex problem. In Indian society, a child born to a Hindu mother by a Muslim father was hardly acceptable, and if the relatives of the women did not accept such children, the problem of rehabilitation of a large number of women and children would arise.' A special conference was held in Lahore to discuss the implications of this, where the opinion of a majority of the social workers was that it would be wise to leave all such children with their fathers instead of allowing their mothers to bring them over to India, where eventually, they were likely to end up in orphanages. A senior civil servant, a Joint Secretary in the Ministry of Relief and Rehabilitation, said the only practical solution was to treat such children as 'war babies' and not be guided by emotional considerations while arriving at a decision in this regard. It was only a sharp difference of opinion between Rameshwari Nehru and Mridula Sarabhai on the issue, and the insistence of those social workers who opposed such a callous solution to the problem, that saved the day for the women. A compromise was arrived at whereby the women would take their children with them to Jalandhar and, after 15 days, decide whether they wanted to keep them or not. 'It was our experience', says Kammobehn, 'that most of the unmarried young mothers were not keen to part with their infants ... and older women were not keen to take their children, for they had other children earlier.'

When the question of separating women from their children arose and was sought to be decided 'practically' and 'unemotionally', Kammobehn told us:

I said to Mridulabehn that I would not attend this meeting because my opinions are the opposite of yours. I will say frankly what I feel about this matter at the meeting, otherwise I will not come... Mridulabehn was worried about the future of these girls: how to settle them, who will marry them? Rameshwari Nehru was of the opinion that if they were Muslims themselves, why should they leave their children in India? So I said in the meeting: the soldiers responsible for their birth go back to their respective countries and the infants have to be brought up by their mothers. Nobody separates them from their mothers. The stalwarts and the seasoned social workers like Rameshwari Nehru should therefore visit Lahore and impart necessary training for separating the child - on our part we had neither the strength nor the capability for that work. If all of you do not approve of my suggestion, I would like to dissociate myself from this work.

Before long, strong differences between Rameshwari Nehru (who opposed forcible recovery) and Mridula Sarabhai (who wished to press on) began to surface; Mridula Sarabhai believed that no woman could be happy with her abductor, Rameshwari Nehru, not so. Within a few months of recovery work having been undertaken systematically, she advised the government to stop it altogether because she was convinced that 'we have not achieved our purpose... Figures alone are not the only criterion against which such work should be judged'. Viewed from the 'human and

the women's angle', as she proposed to do, removing [the women] them from the homes in which they were now settled would 'result in untold misery and suffering'. From what she could gather, the number of such women was 'appreciably great'; moreover, there was no way of ascertaining what happened to the women once they were recovered and returned. 'By sending them away we have brought about grief and the dislocation of their accepted family life without in the least promoting human happiness', she said. And finally, the woman's will was not taken into consideration at all; she was 'once again, reduced to the goods and chattel status without having the right to decide her own future or mould her own life'. Her pleas found few supporters and little sympathy within officialdom, however, and in July 1949 she resigned as Honorary Advisor to the Ministry of Relief and Rehabilitation.²³ It would be incorrect to claim that the social workers all spoke in one voice, or that they did not also subscribe to prevailing notions of 'difference' between Muslims and non-Muslims in the matter of 'honour' and acceptability, and of social and government responsibility in the task of restoring these women to a life of 'dignity'. Indications are that they carried out the search and 'rescue' missions with some perseverance, especially in the first flush of recovery; in time, however (and this factor assumes significance in the light of what is discussed later) and with first-hand experience of the implications of their actions, they began to express their disagreement with decisions that they believed worked against the women and rendered their situation even more precarious. Indeed, when it seemed to them that the women's plight was particularly poignant, more than one social worker admitted to having 'helped' them 'escape' the police and bureaucratic net. In December 1949, Mridula Sarabhai was constrained to point out that 'the approach of the people *and even the social workers* is not correct. Public opinion must assert that the honour and dignity of women will be respected and that in our country abduction will not be tolerated', as it was 'in itself, immoral, apart from its being criminal...'²⁴

These differences direct us to examine the role played by social workers in the recovery operation, and the triangular relationship that developed between the government, the women to be recovered and the intermediaries. That this relationship was ambivalent and became increasingly troubled is, we would suggest, precisely because the government's construction of the abducted woman's identity was being called into question. It was a construction that defined her, first and foremost, as the member of a community and then invested her with the full responsibility of upholding community honour; next, it denied her any autonomy whatever by further defining her as the victim of an act of transgression which violated that most critical site of patriarchal control - her sexuality. For an elaboration of this however we need to return to the Bill, the circumstances under which it was formulated and the debates around it.

IV

The Recovery Operation of the Government of India, albeit humanitarian and welfarist in its objectives, was nevertheless articulated and implemented within the

parameters of two overriding factors: first, the relationship of the Indian State with Pakistan and second, its assumption of the role of *parens patriae* vis-a-vis the women who had been abducted. As the former, it was obliged, as a 'responsible and civilised' government of a 'civilised' country to rightfully claim its subject-citizens; as the latter it was morally bound to relocate and restore these same subjects within their family, community and country. This dual role and responsibility simultaneously cast Pakistan itself as the abductor-country and India as the parent-protector, safeguarding not only her women but, by extension, the inviolate family, the sanctity of the community, and ultimately, the integrity of the whole nation. Additionally, and recurrently, the moral, political and ideological importance of India's secularism was held up as an ideal that had to be vigorously championed and defended, for it was this, more than anything else, that enabled the Indian State to *define itself in opposition to the Pakistani one*.

'For me', said Mridula Sarabhai, 'recovery work is not only a humanitarian problem, it is a part of my political ideology. The policy of abduction as a part of the retaliatory programme has given a set-back to the basic ideals of a secular state and Janata Raj.' Her statement is pertinent not only because it reflected, in general terms, government's - and the Indian State's - own image of itself, but because she was, practically speaking, the driving force behind the moving of the 1949 Bill - just as earlier, the Inter Dominion Agreement of November 1948 had been based largely on a 14-page document drawn up by her and handed over personally to Liaquat Ali Khan.²⁵ Her proximity to Gandhi and Nehru invested her with an authority, minus political accountability, that she brought into full play on the issue of recovery, which *operation* bore her stamp as much as it did that of the government's.

For the government, as for many leaders, Pakistan's intentions as far as the restoration of women was concerned, never quite squared up with its performance. They disallowed the MEO from conducting recoveries after July 1948; were tardy in promulgating an ordinance based upon the November 1948 Agreement; appeared not to be co-operating on the speedy recovery of those whose details had been furnished by the Indian government; desisted from taking action against those government servants who were supposed to have possession of 2000 women, and failed to ensure that their police and social workers honoured the spirit and letter of the Agreement: Members of the house continually urged the Minister to impress upon the government the need to put greater pressure on Pakistan for this purpose; one, Smt. Durgabai from Madras, even went so far as to say, 'Thanks to the leadership in our country, we have been able to get social workers who are not only public-spirited but non-communal in their outlook, and therefore, they are inspired by the noble example set up by the Father of the Nation and also other leaders whose support and help are available in plenty for recovery activity...'. And another, Pandit Thakur Das Bhargava declared, '... so far as we are concerned, we know how to honour our moral obligations'²⁶ implying of course, that the Pakistanis did not. Although some token concessions were made regarding moral lapses on the part of the Indian people -- 'We are not the monopolists of virtue and

the people in the other dominion are not the monopolists of vice -- we are as guilty as they have been'²⁷ -- no-one seriously questioned their own claims of being secular, non-communal or motivated by anything other than humanitarian and noble considerations. The terms within which the debate was conducted, however, reveal individual as well as commonly-held biases that make it clear that the communal dimension of the issue was never lost sight of and that it crystallised around questions of forcible conversion, marriage, children and the legitimate family, forcible return and recovery, and, marginally, fundamental rights. It should also be mentioned that although the Bill under consideration referred to Muslim women abducted by Hindus and Sikhs, it seemed to be Hindu and Sikh women in Pakistan who were the real subjects of the discussion.

It was generally assumed that all abducted women were victims, being held captive, and wanted nothing more than to be restored to their original families as soon as possible. 'Women or abducted persons are rescued from surroundings which, *prima facie*, do not give them the liberty to make a free choice as regards their own lives', said Gopaldaswami Ayyangar in Parliament. 'The object of this legislation is to put them in an environment which will make them feel free to make this choice.'

Smt. Durgabai, supporting the move, went a little further:

Questions are asked: Since these women are married and settled here and have adjusted themselves to the new environment and their new relatives, is it desirable that we should free them to go back? May I ask, are they really happy? Is the reconciliation true? Can there be a permanent reconciliation? ... Is it not out of helplessness, there being no alternative, that the woman *consents or is forced to enter into that sort of alliance with a person who is no more than the murderer of her very husband, her very father or her brother ? Can she be happy with that man?* ... Is she not the victim of everyday quarrels in that house? The social workers can testify ... that such a woman only welcomes an opportunity to get back to her own house ... Sir, it may be that she has refused to go back. But on what grounds is this refusal based? .. On a fear complex, on the fear of social customs and ... that her relatives may not take her back.

Other members disagreed and demurred at the arbitrary powers being given to the Tribunal to decide who was or was not abducted and should be sent back. Smt. Purnima Banerji cautioned the government against being over-zealous: 'Time has passed and in between (these girls) have lived in association with one another and have developed mutual attachment as ... couples ... Such girls should not be made to go back to countries to which they originally belonged merely because they happen to be Muslims or Hindus and merely because the circumstances and conditions under which they had been moved from their original homes could be described as abduction.'

Shri Mahavir Tyagi in fact, declared that such a recovery was the real abduction, legally speaking; '.... my feeling is that already violence has been committed on them once ... would it not be another act of violence if they are again uprooted and taken away to the proposed camps against their wishes?' To this the Minister replied, '... there has been hardly any case where after these women were put in touch with their original fathers, mothers, brothers or husbands, any one of them has said she wanted to go back to her abductor -- a very natural state of feeling in the mind of a person who was, by exercise of coercion, abducted in the first place and put into a wrong environment.' Despite the urging of some members that some mechanism be devised to ensure that no unwilling woman was forced to return to her country, the Minister declined to do so, simply giving his verbal assurance that no compulsion or coercion would be used, and adding, 'I have not come across a single case of an adult abducted woman who had been recovered and who was pushed into Pakistan against her will.' The clause in question was put to the vote, and passed by the house.

The two governments had agreed that neither forced conversions nor forced marriages would be recognised by either government. It followed that all children born of such unions would then be illegitimate, and for the purpose of the Bill were defined as 'abducted persons' if they happened to be born to any able woman within the time-frame set out in it. Now, those very members who had protested that no forcible recovery or return could be countenanced, and those who believed that every abductor had been guilty of a 'shameful crime', was a murderer and could not be relied upon to provide either security or dignity to the woman he had forcibly converted and married, found that there were no grounds for their children to be treated as abducted persons. 'Why should they all be forced to go to Pakistan?', they asked. 'You must realise', declared Thakur Das Bhargava, 'that all those children born in India are the citizens of India. Supposing a Hindu man and a Muslim woman have married. Who should be the guardian of the offspring? ... Now when a Muslim girl is restored, she will go to Pakistan; she may change the religion of that child... The child will be considered illegitimate and is liable to be maltreated and killed. Between father and mother, who is entitled to guardianship? ... If the father insists that he would look to the interests of the child and will see that it is properly brought up, I do not understand why by executive action that child should be given to Pakistan merely because we have written these words here in the ordinance.' Other members differed. 'Our society is different from Muslim society', said Brajeshwar Prasad from Bihar. 'My friends (Pt. Bhargava and Jaspal Roy Kapoor) made the suggestion that the children of such abducted women should be allowed to go back to Pakistan. May I know whether these children are regarded as legitimate? They are illegitimate in the eyes of the law ... our Hindu society has no place for illegitimate children.' He went on to say, 'I do not know how a child born of a man and a woman can ever be illegitimate ... but we have to take facts as they are ... such children if they are to live in India, will remain as dogs ...'

Yet others cautioned that if the government did indeed regard such marriages as illegal and, consequently, the children as illegitimate then, according to the law,

only the mother could be the legal guardian of illegitimate children. Those who professed to speak on behalf of the abducted women admitted that the abductor had been guilty of 'highly reprehensible conduct; but let us look at the question from the point of view of the abducted woman. The children to her, are a sign of her humiliation, are unwanted, and if she returns to Pakistan... I think we may feel almost certain that they will not be treated as members of their mother's family ... why should they not then be retained in this country where their father *whatever his original conduct might have been*, is prepared to claim them as his own?'

Moreover it was the opinion of yet others that if the Pakistan Ordinance had no provision for the return of children, why then should the Indian one? 'It should be left to the discretion of the authorities to decide which children should be retained and which ... sent away.'

Once again the Hon. Minister assured the members that '... the mere inclusion of children in the definition of abducted persons does not mean that those children are necessarily sent away to the other dominion', for he too believed that, '... children born after March 1, 1947 would not be welcome in the original homes of these abducted persons when they go back ... in 90 cases out of 100'. Indeed, as we saw from the statements made by social workers earlier, government policy in its implementation actively discouraged women from taking their children with them and forced those who were pregnant to have abortions done before they returned to their families. Of the children born to mothers in Pakistan and recovered by India, only 102 had come to India as of July 21, 1952. The total number of women recovered from there at this time was 8,206.

The recovered women themselves, although promised a 'free' environment and 'liberty', were by the very terms of the Bill, divested of every single right to legal recourse that they were entitled to. The writ of *habaeus corpus* was denied (could this be because it was precisely such a writ that had resulted in a Punjab High Court ruling in Lahore in 1948, upsetting a decision reached at the Inter-Dominion Conference in April 1948, that abducted persons were to be returned to their families 'whatever their own wishes may be?'); their marriages were considered illegal and their children illegitimate; they could be pulled out of their homes on the strength of a policeman's opinion that they were abducted; they could be transported out of the country without their consent; confined in camps against their wishes; have virtually no possibility of any kind of appeal (bar the compassion of the social worker or the generally unsympathetic authority of the Tribunal) and as adult women and citizens, be once again exchanged, this time between countries and by officials.

At least three members referred to the gravity of the measures proposed, and pointed out that they violated the fundamental rights granted by the Constitution that was going to come into effect the very next month (January 1950). They warned that the Supreme Court could not countenance the denial of the writ of *habaeus corpus*, and that it was the right of every Indian citizen - which these

women were to choose to remain in India; by law and by right they could not be deported without their consent. Jaspat Roy Kapoor, objecting to the powers vested in the Tribunal said, 'What do we find in this Bill? We find that after release (these women) will have absolutely no say in the matter of the place where they are to live, in the matter of the companions with whom they are to live, and in the matter of the custody of their children I ask, in such cases, shall we be conferring liberty and freedom on her if we deny her these rights?' As he was at pains to point out, unless children were included in the legislation, there would be no chance of returning the women at all.

Mahavir Tyagi pointed out: 'These women are citizens of India ... they were born in India itself ... they have not yet gone to Pakistan ... In taking them to Pakistan without their consent, even if the agency be the police or the sanction be the proposed Tribunal, shall we not contravene the fundamental rights sanctioned by the Constitution? ... The fact that their husbands have gone to Pakistan does not deprive the adult wife of her rights of citizenship. They have their own choice to make.' To this the Minister replied that he had in fact, himself proposed an amendment that would *extend* the powers of the Tribunal and allow it to determine not only whether the woman was abducted or not, but whether she be sent to Pakistan or be allowed to stay back. On the issue of *habeas corpus*, he replied, 'If the interpretations should be that what we have provided in this particular Bill is not quite in accordance with Article 21 or any other provision of the Constitution, then of course the remedy for a writ of *habeas corpus* will remain'.

As mentioned earlier, the Bill was passed in toto, with no modification of its clauses. When the debate on it was over and some officials had adjourned to the Minister's Room in Parliament House, an excited Mridula Sarabhai said to the Minister, 'Thank God Sir, it's all over, and the women in both the countries are going to be grateful to you'.²⁸

V

Why it may be asked, did the Indian government bend over backwards in its efforts to reclaim women, sometimes several years after their abduction had taken place, and through such extraordinary measures as were proposed in the Bill? Why should the matter of *national* honour have been so closely bound up with the bodies of women and with the children born of 'wrong' unions? The experience of Pakistan suggests that recovery there was neither so charged with significance nor as zealous in its effort to restore moral order. Indeed informal discussions with those involved in this work there indicate that pressure from India, rather than their own social or public compulsions, were responsible for the majority of recoveries made. There is also the possibility that the community stepped in and took over much of the daily work of rehabilitation, evidenced by findings that the level of destitution of women was appreciably lower in Pakistan. We were told that both the Muslim League and the All Pakistan Women's Association were active in arranging the marriages of all unattached women, so that 'no woman left the camp single'. Preliminary interviews

conducted there also hint at relatively less preoccupation with the question of moral sanction and 'acceptability', although this must remain only a speculation at this stage.²⁹

Nevertheless, some tentative hypotheses may be put forward. For India, a country that was still reeling from Partition and painfully reconciling itself to its altered status, reclaiming what was by right its 'own' became imperative in order to establish its credentials as a responsible and civilised state, one that fulfilled its duties toward its citizens both in the matter of securing what was their due, and in confirming itself as their protector.³⁰ To some extent, this was mirrored in the refugees' own dependency in turning to the *sarkar* as its *mai-baap* at this time of acute crisis.

But the notion of 'recovery' itself as it came to be articulated cannot really be seen as having sprung full-blown in the post-Partition period, as a consequence of events that had taken place during and after the violence that accompanied the exchange of populations.

If we pause to look at what had been happening in the Punjab from the mid-19th century onwards with the inception and consolidation of the Arya Samaj and the formation of a Punjabi Hindu consciousness, we might begin to discover some elements of its anxiety regarding Muslim and Christian inroads into Hindu-ness and the erosion of Hindu *dharma* values and life-styles through steady conversions to these two faiths by Hindus. With the creation of Pakistan, this anxiety found a new focus, for not only had it been unable to stem conversions to Islam it had actually lost one part of itself to the creation of a Muslim homeland. Recovery then became a symbolically significant activity (Its eerie resonance in the current frenzy to recover sacred Hindu sites from the 'usurping' Muslims is chilling), just as earlier the Shuddhi programme of the Arya Samaj, even if it resulted in bringing only one convert back into the Hindu fold, served to remind the Hindu community that losing its members to Islam or Christianity was not irreversible. Recovering women who had been abducted and, moreover, forcibly converted, restoring them both to their own and the larger Hindu family, and ensuring that a generation of newly-born Hindu children was not lost to Islam through their repatriation to Pakistan with their mothers, can be seen as part of this concern. Because, in fact, such a recovery or return might not be voluntary, necessary legal measures had to be taken to accomplish the mission. In one sense, it would seem that the only answer to forcible conversion was -- forcible recovery.

This unhappiness and, indeed, outrage at forcible conversion is palpable through all the debates on abducted women, and the extension of the definition of the term to *any male child below the age of 16*, further indicates the depth of the disquiet. Although the State, especially one that called itself secular, could not be seen to be subscribing to this anxiety, it could certainly act in the national interest and in the interest of its citizens and their communities, by upholding their honour -- in this case, through restoring their 'sisters' and its own subjects to where they belonged --

with their respective Hindu or Muslim families and in their own Hindu or Muslim countries.

By becoming the father-patriarch, the State found itself reinforcing official kinship relations by discrediting, and in fact declaring illegal, those practical arrangements that had in the meantime come into being, and were *functional and accepted*.³¹ It was not only because abduction was a criminal offence that it was sought to be redressed - its offence was also that, through conversion and marriage, it transgressed the prescribed norm in every respect. (After all, as one Member of Parliament pointed out, the government was nowhere near as anxious to take action against the abduction of Muslim women by Muslims or of Hindu women by Hindus, because here no offence against community or religion had been committed, no one's honour been compromised.) This was why such an alliance could neither be socially acknowledged nor granted legal sanction, and why the children born of them would forever be 'illegitimate'.

This reinforcement of the legitimate family required the dismembering of the illegal one by physically removing the woman/wife/mother from its offending embrace and relocating her where she could be adequately protected. It also entailed representing the woman as ill-treated and humiliated, without volition or choice and - most importantly - without any rights that might allow her to intervene in this reconstruction of her identity and her life. Only thus could social and moral order be restored and community and national honour, vindicated.

It is rather unlikely that we will ever know what exactly abduction meant to all those women who experienced it because it is rather unlikely that they will ever talk of it themselves, directly; society still enjoins upon them the silence of the dead around an event that, to it, was shameful and humiliating in its consequences. Yet society and State, father, husband and brother, virtually to a man, placed upon them the special burden of their own attempt to renegotiate their post-Partition identity, 'honourably'.

- 10 Constituent Assembly Debates, *op. cit.*
- 11 *Ibid.*
- 12 Satya Rai, *Partition of the Punjab*, Bombay: Asia Publishing House, 1965.
- 13 Aparna Basu, *Rebel with a Cause: Mridula Sarabhai, A Biography* (forthcoming)
- 14 Constituent Assembly Debates, *op. cit.*
- 15 Aparna Basu, *op. cit.*
- 16 The Gandhi Vanita Ashram in Jalandhar was set up for the rehabilitation of destitute women after Partition. Subsequent to the signing of the Inter-Dominion Agreement on the recovery of abducted persons, it was designated the receiving institution for women recovered from Pakistan, and its counterpart in Lahore was Sir Ganga Ram Hospital.
- 17 Aparna Basu, *op. cit.*
- 18 Appeal published in *The Hindustan Times*, January 17, 1948. *Selected Works of Jawaharlal Nehru*, Second Series, Vol.5 (Delhi: Jawaharlal Nehru Fund, 1987), p.113.
- 19 Quoted in G.D. Khosla, *Stern Reckoning: A Survey of the Events Leading up to and following the Partition of India*, (Delhi: Oxford University Press, 1949, rpt. 1989).
- 20 *Selected Works of Jawaharlal Nehru, op. cit.*, p.114.
- 21 Kamlabehn Patel in a personal interview.
- 22 Kamlabehn Patel, personal interview and her book *Mool Suta Ukkadelar*, (Bombay-Ahmedabad: R.R. Seth & Co.) 1985.
- 23 Private papers of Rameshwari Nehru, Nehru Memorial Museum and Library, Delhi.
- 24 Report of the Relief and Rehabilitation Section, presented at the Indian Conference of Social Work (Delhi Branch) December 1949.
- 25 Aparna Basu, *op. cit.*
- 26 Constituent Assembly Debates, *op. cit.* Unless otherwise stated, all quotations in this section are taken from the Debates.
- 27 Gopaldaswamy Ayyangar in the Constituent Assembly.
- 28 Aparna Basu, *op. cit.*
- 29 We owe this information to Nighat Said Khan, researching the Pakistan experience.
- 30 Organisations like the RSS and Akhil Bharatiya Hindu Mahasabha, for instance, were clamouring for the return of Hindu women, and the Hindu Mahasabha even included the issue of the recovery of women in its election manifesto in 1951.
- 31 We are grateful to Veena Das for having drawn our attention to this; for an elaboration of this point, see Das 'Of National Honour and Practical Kinship', in her forthcoming book.

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