



IIT ROORKEE



NPTEL ONLINE
CERTIFICATION COURSE

Partition of India in Print Media and Cinema

LECTURE 22 – WOMAN IN THE CONTEXT OF PARTITION

DR. SARBANI BANERJEE
HUMANITIES AND SOCIAL SCIENCES



Question of Legitimate/Illegitimate Child

- Pakistan, which has a hostile relationship with India's national interests and has violated Hindu women's sexuality through abduction and compulsory cohabitation, has raised the **issue of the "legitimacy" of children born of wrongful unions** as future community members.
- Several leaders like **Sardar Bhupinder Singh Mann** and **Chaudhary Ranbir Singh** in their speeches portrayed India as morally superior - who took it as a liability on themselves to protect and return abducted Muslim women to Pakistan under the **Abducted Persons (Recovery and Restoration Act of 1949)** and etched how such reciprocal agreement was acquiesced but deferred by Pakistan.

Question of Legitimate/Illegitimate Child

- During the rehabilitation process, police were given the authority to "**search and seizure**," which means they were protected from civil or criminal punishment for any excesses committed during the recovery process.
- All democratic and fundamental rights of women and children "abducted person" **virtually suspended**.
- A comparison of "**honouring the moral obligation**" was raised, with Pakistan as the abductor's nation and India as the parent protector. **Muslim women abducted were the exceptions or aberrations.**

Rape, Abduction, and Rehabilitation

- The phrase "**abducted**" refers to a male who has been kidnapped after March 1, 1947, a child under the age of 16 and a female of any age who was forcibly removed from his or her family and forced to live with a person or family from another community.
- The recovery and restoration of kidnapped persons was so vital that, after much deliberation and debate, the Recovery and Restoration of Abducted Persons Act of 1948 was passed.
- Butalia, 1998, Menon and Bhasin in 1993 - Regardless of their desire to remain where they were and the possibility that their families might not take these fallen women back, elaborate plans were made to get the women back.

Rape, Abduction, and Rehabilitation

- **The Ministry of Relief and Rehabilitation**, which later became the Ministry of Rehabilitation, was established by the Indian government in **1948**, with a branch secretariat in Kolkata for East Pakistani refugees.
- Considering the need for a specific category, a plan was developed in collaboration with the government to investigate the requirements of the Dalits and women.
- The Ministry of Rehabilitation drew up detailed plans to provide housing, education, and employment for the refugees.
- A section of Dalits and women were also constituted with the Ministry to look at the needs of these groups, keeping in mind the question of an unique category.

Question of Legitimate/Illegitimate Child

- After March 1947, leaders and representatives of the Indian and Pakistan government met in Lahore in September 1947, resolved to take steps to **“recover and restore” the “abducted persons”**.
- **Different circumstances of “abduction” –**
- Some women left behind as hostages for the safe passage of their families. Others separated/strayed from their group and picked up; some given protection and later incorporated into the host family.
- In some special cases (as in Bhawalpur state), all the women of a single block kept back, many of whom changed hands several times and sold to the highest or lowest bidder, and some became second or third wives and many were converted and married, with considerable dignity and respect.

Question of Legitimate/Illegitimate Child

- In the official process of “**rescuing**”, resistance came from the “abductors” as well as the “captors”, many of whom escaped from the centers to which they were brought - repatriation not carried out under women's volition.
- **Rameshwari Nehru, Honorary Advisor to the government in the Ministry of Relief and Rehabilitation** - “By sending women away, we have brought about grief and dislocation of their accepted family life without in the least promoting human happiness.”
- Women who were pregnant in Lahore, for example, were sent to Jalandhar where they underwent “**complete medical check-up**”, (that is, abortion) and then reunited to their family, lest they be abandoned by their folks in pregnant condition.



Question of Legitimate/Illegitimate Child

- According to the government, children born in Pakistan would be left in the Pakistan and children born in India left in India. This was a double cruelty inflicted on a woman who was already brutalised.
- Despite the fact that most mothers (particularly those with firstborns) were not ready to give up their children, many eventually did so due to familial pressure. They were being taken away by strangers.
- **Children born of such unions were –**
- Considered illegitimate, under the act, defined as “abducted person” (though later not returned: an irony)

Question of Legitimate/Illegitimate Child

- Pandit Thakur Das Bhargava - While abduction was obviously a “**shameful crime**”, the abductor could not be relied upon to provide either security or dignity to the woman who he had forcibly converted and married, and hence she should be reunited to her original home, yet there is no reason why children born India should not be citizens of India (**contradicting the 1949 bill defining abducted person**).
- Yet counter logics from Pakistan was that **illegitimate children born of a Muslim woman will be marginalised in caste system designed by Hindu society in India**.
- Question raised by **Pandit Kunzru**: If a woman keeps her child with her and takes him or her to her '**original home**', they will normally not be treated as members of their mother's family.

Question of Legitimate/Illegitimate Child

- Comparatively, the child should be more stable and secure with the abductor father's family, irrespective of what her/his original conduct might have been.
- Government policy actively discouraged women from taking their children and pressured those pregnant to have abortions before returning to their families.
- The initial ordinance on children in 1948 was a response to the experience of social workers that the Hindu families hesitated to take back their wives, daughters, and daughters-in-law if they had born children outside the family.

Question of Legitimate/Illegitimate Child

- **Women's dilemma: kidnapped as Hindus, but dressed and converted as Muslims; rescued as Hindus, but forced to abandon their children.**
- **Such infants were disowned as impure**, which meant they were **neither Hindu nor Muslim**.
- Throughout the repatriation process, the issue of maintaining communal '**purity**' **and difference, blood and belonging** prompted legislators to disregard their prior provision, which applied to children.
- A reaction to the erosion of Hindu Dharma and the concomitant anxiety regarding Muslim and Christian inroads into Hinduness.
- Recovery is similar to the “**shuddhi**” program (purification) in the Arya Samaj.



Question of Legitimate/Illegitimate Child

- Thus, not losing newly born “Hindus” to Islam by preventing their repatriation to Pakistan along with their mother was part of this project/concern.
- This anxiety reflected in the legitimate membership of the family, community, and nation.
- India prevented sexuality to be contaminated by secularism -- hence neither socially acknowledging nor legally sanctioning forced alliances and giving the children born out of such contact a **permanent mark of “illegitimate”**.
- Relocating a woman’s sexuality from fake to real family, where her sexuality could be suitably supervised.

Question of Legitimate/Illegitimate Child

- Freezing of boundaries and (Kristeva, 1993) “sexual nationalist and religious protectionism”, reduce men and especially women to “**the identification needs of their original groups**”, imprisoning them in the primal cosmos of family, ethnicity, nation, and race.
- Neither nation allowed women to exercise choice freely.

Rape, Abduction, and Rehabilitation

- Reality of attacks and abductions:
- Families that had their daughters taken first reported them missing, while some chose to remain anonymous. However, if any of the women were discovered, it often resulted in the social workers being dispatched.
- Their families frequently refused to accept them back, believing they had been contaminated by living with or being raped by a man of another religion.

Rape, Abduction, and Rehabilitation

- Both nations felt the necessity for having their women back, since it was more a method of solidifying the patriarchal identity of the newly constituted nation states.
- This decision was paradoxical because India was a secular country that demanded the return of Hindu women abducted during the Partition and the return of Muslim women to Pakistan.

Rape, Abduction, and Rehabilitation

- The new Indian-nation state has the responsibility of safeguarding the integrity of the spiritual inner core of its inhabitants.
- The widespread kidnapping and rape of females in the Gurgaon district on the outskirts of Delhi, according to academic Andrew Major, appeared to be part of a deliberate 'ethnic cleansing.'
- In **Amritsar**, there was a **naked parade of Muslim women.**
- Police officers, landed magnates, and Muslim League members, as well as criminal elements, were known perpetrators.

Rape, Abduction, and Rehabilitation

- Non-Muslim women from Kashmir were abducted and sold by the Pathans in West Punjab, where they were commonly used as '**slave girls**' in industries.
- By early 1948, Pathans started abducting even Muslim women.
- In addition to Sikh *jats* and refugees from West Punjab, local police and the Indian military routinely abducted and distributed Muslim women in East Punjab.

Rape, Abduction, and Rehabilitation

- The '**better stuff**,' according to **Anis Kidwai**, would be dispersed to the police and troops, while the remainder would be distributed among the assailants. Police and army forces engaged in the rape of Muslim women in areas around Delhi.
- Both Indian Prime Minister **Nehru** and Pakistani Prime Minister **Liaquat Ali Khan** said in September 1947 that they would not accept forced marriages, and both nations approved this agreement in December at the **Inter-Dominion Conference**, which created the recovery mechanism.
- The **Central Recovery Offices** in both nations were in charge of gathering claims for abducted women by their family.

Rape, Abduction, and Rehabilitation

- Local police were assigned the duty of locating abducted women, who would be supported by the abducted women's family.
- Social workers and **District Liaison Officers** designated by the Punjab Government's Liaison Agency also contributed significantly.
- Non-Muslim women recovered from Pakistan were housed in District transit camps, the Central camp being in Lahore.
- In **Jalandhar**, a similar camp for Muslim women was built. Women were guarded and escorted to their respective countries by the Indian and Pakistani Military Evacuation Organizations.

Rape, Abduction, and Rehabilitation

- Recovery operations were delayed, and Nehru admitted in January 1948 that neither side has really worked hard enough to repatriate the victims in the true sense.
- Because Hindu and Sikh refugees in India erroneously believed that the number of abducted non-Muslim women outnumbered the number of abducted Muslim women, they organised a public campaign demanding that Muslim women be kept as hostages during the recovery process.
- The two governments eventually agreed not to publicize the numbers of women who were returned. The rivalry between India and Pakistan delayed recovery as well.

Rape, Abduction, and Rehabilitation

- Heavy rains and flooding hampered the recovery process in West Punjab, and Pakistan banned Indian authorities from accessing the regions of Punjab that bordered Kashmir in January 1948.
- Many women refused to be reunited with their families and communities for fear of being disgraced and rejected, while others had adjusted with their new 'family' and so refused to return.
- Both governments agreed in 1954 that women should not be deported forcefully.

Thank You

