Borders & Boundaries
WOMEN IN INDIA'S PARTITION

Ritu Menon
&
Kamla Bhasin
the Ashes, among others, for detailed accounts of the violence in Sheikhupura.

37 Veena Das and Ashis Nandy, "Violence, Victimhood and the Language of Silence", op. cit.
39 Ibid.
40 We are grateful to Paola Bacchetta for drawing our attention to this important difference.
42 Ibid.
There are many young, half-mad women who keep laughing—perhaps at all of us, at the country, at religion and the propagators of these religions, at governments and their laws. Maybe they laugh at freedom—who knows what they are laughing at?

— Anis Kidwai,
_Azadi ki Chaon Mein_

In the week ending May 8, 129 non-Muslim abducted women and children were recovered, and 495 Muslims; 13,277 Muslims were brought over, mainly forcible converts. There is much agitation about the failure, particularly in the States, to recover abducted women, and perhaps in answer to the lady hunger-striker in Bahawalpur (in Pakistan), you may have seen that two Muslim women social workers went for a time on a “hunger strike unto death” in Patiala (in India) in protest against lack of help received from State authorities.

The fact is that whatever the leaders may say the plight of these women does not seriously touch the public conscience or even the conscience of a minor official, enough at least to induce him to cooperate against his own community to secure the release of women of a community he hates... too drastic action would merely lead to large-scale murder.

— Extract from a report dated May 24, 1948, from H.S. Stephenson, Deputy High Commissioner of the UK in Lahore, to the High Commissioner in Karachi.

**Recovery**

In the aftermath of Partition the governments of India and Pakistan were swamped with complaints by relatives of “missing” women; seeking to recover them, either through government, military or voluntary effort. Recognizing the enormity of the problem the two governments entered into an Inter-Dominion Agreement in November 1947 to recover as many women, as speedily as possible, from each country and restore them to their families. This agreement was followed by the passing of ordinances in both countries to cover the years up to December 1949, and in December of that year, the Indian Parliament legislated an act to facilitate the recovery operation in India.

The material, symbolic and political significance of the abduction of women was not lost either on the women them-
selves and their families, on communities, or leaders and governments. 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. Said one MP in Parliament:

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, 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.”

In a letter dated April 4, 1947 to Evan Jenkins, Nehru said:

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 realize 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.

Malik Feroz Khan Noon thought that the recovery of non-Muslim women abducted during the riots might be decelerated if amnesty were given; on a visit to Bihar, he 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.

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 moved by Dr. Rajendra Prasad, seconded by Maulana Abul Kalam Azad and adopted. It 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.

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 civilized people can recognize 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 cooperation of the governments concerned.

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 All India Organizer. The recovery operation itself was in the charge of the Women's Section, Ministry of Relief and Rehabilitation, with Rameshwari Nehru as Honorary Advisor. The primary responsibility for recovery was with the local police, assisted by a staff of one additional inspector general, two deputy superintendents of police, 15 inspectors, 10 sub-inspectors and 6 assistant sub-inspectors.

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 Military Evacuation Organization 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 Hindu and Sikh women in Pakistan. Although Gopalaswami 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. Till December 1949, the number of recoveries in both countries was 12,552 for India and 6,272 for Pakistan. The maximum number of recoveries were made from Punjab (East and West), followed by Jammu and Kashmir and Patiala. Within Pakistani Punjab, Gujrat district had the most recoveries; in Indian Punjab, Patiala, Ferozepur and Amritsar. The age-wise break-up of women recovered was as follows:

<table>
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<tr>
<th>In Pakistan (in percentages)</th>
<th>In India</th>
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<td>&gt; 12 yrs</td>
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<td>12 &gt; 35 yrs</td>
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<td>35 &gt; 50 yrs</td>
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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 Gujrat, Jhelum, Rawalpindi and Campbellpur. In addition, there was extreme disquiet at the mention of 2,000 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, Gopalaswami 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 Rajastan, and consisted of 10 operative clauses which the Minister termed "short, simple, straightforward—and innocent"; relevant clauses are reproduced below. (See Appendix I for the full text.)

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 persons

(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 inquiry 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-à-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); it was passed, unchanged, on December 19 and notified in the Official Gazette on December 28, 1949.

But more on this later; let us turn now to Kamalaben Patel, a social worker who was stationed in Lahore between 1947-52 and actively involved in the recovery operation. Kamalaben said:

How I got involved in recovery work was by accident. I was supposed to go and work with Bapu at Sabarmati Ashram but...
I didn’t really want to go there. Mridulaben came to my rescue. She told Bapu, there are other things she can do, her health is fragile. I will find something else for her. So she asked me to work with her. I said, but what can I do? She said, “You be my personal secretary.” But I can’t type, I said, I don’t speak English, how can I be your secretary? She said, “Lock, all those skills can be bought, I don’t need them from you—I’ll give you a typist, a clerk, you don’t worry about all that. What I want from you is that you should be able to take decisions on important matters if I’m not around, so that I know, Kamla is there, I don’t need to worry.”

I thought about it for a while and then said I would go on six months’ probation. I first went to Pakistan in November 1947. Mridulaben sent me a telegram asking me to come to Delhi. When I reached there, she wasn’t around but I was handed a ticket to go to Lahore. I didn’t know why I was being sent there—I was just told, you have to reach there immediately.

Shri Prakashji, our first High Commissioner, was already there. He was quite adamant that proper arrangements should be in place before we went—he thought Mridulaben was crazy not to have insisted on it. However, we went. We had to establish a camp in Lahore, meet with government officials and start a dialogue. We had not attended any meeting regarding important matters if I’m not around, so that I know, Kamla is there, I don’t need to worry.

I went to Sialkot which was a closed district. I had no intention of going there because of the whole Azad Kashmir business. It was an anxious time because there was no agreement on Kashmir. I was instructed to go with the SP (superintendent of police) wearing a salwar kameez. No sari, under any circumstances. This SP was a complete rogue. He used to worm out all the information from us by being on his best behaviour. Oftentimes I told Mridulaben that I was afraid of dealing directly with him and because he was waiting to catch me out, I would make a mistake. And my mistake would be India’s mistake. She said, “Don’t worry, only you can do this work and I’m as capable of making a mistake as you.”

You can imagine how I felt, an Indian woman entering a closed district at that time—we were fighting about Kashmir—but they were so excited that an Indian woman is coming! People came to see me, cried while asking about their relatives on the other side. They asked about the situation obtaining on the other side. In their anxiety they asked questions which seemed foolish, like “My mother’s relative went that side, would you know where he went? Did you ever meet him?” They were very hospitable towards me—a woman had come from Hindustan to see them—in spite of the fact that we were within five miles of the fighting. Suppose a crowd had gathered to throw stones, attack? But the opposite happened. On the way there nothing happened because the SP was in his uniform, but I was afraid that he himself might start something.

You see, Hindus never did accept the Muslims; if they had, these things could have been avoided. If they had looked upon them as one does on a younger or older brother in their homes, then they would not have developed this complex. Even the common people treated them like untouchables, never let them get close to themselves. Look, I am a Gujarati. Among us, there was not much warmth for them. In our place, Gujarat, there were no Muslim zamindars or highly educated people, only farmers or artisans. They could not equal either the money or
education of the Muslims of Punjab or U.P. At the time of Partition when I went to Punjab for the first time, I realized that there was a lot of socialising and warmth between the two communities. They used to embrace each other and when they were forced to separate, they longed to see each other again. If they were alone together they would embrace, but in public they would shout slogans against each other. When the recovery work started progressing this antagonism became much sharper. Of course, it was an issue between two countries, then.

...Who leaves his home and goes away? But I think there were economic reasons (for Partition), too. The number of Hindus in Punjab was greater than the number of Muslims. Another reason could be that wherever the Hindus went, they exploited the Muslims. There were quite a few bania money-lenders who lent money at such exorbitant rates of interest that they were like blood-suckers. When an opportunity offered itself, they took their revenge. There were so many factors involved, it was not only one factor that brought about Partition. One cannot only blame the Muslims forsubjecting Hindu women to violence, the Hindus also did it. In the Golden Temple 200 women were made to dance naked for the whole night in 1947. Not in the Darbar Sahib, but in its compound. And so many people were enjoying this unholy show. If I tell this to anyone they don't like it, but these are facts. I will talk on behalf of women and will not deviate from this fact. I am not a politician. If I had been one, I would have said that the Muslims did everything, we never did anything. But we were no less—how many we kept back, how many women we sold in the same way that baskets of oranges or grapes are sold or gifted—in the same way women were distributed. You asked me earlier why we uprooted these women again, but in my view they were never ever secure, had never put down roots.

Mostly the ones we recovered in India were sent back; theirs were approximately 12,000 women and ours were about 9,000 or a little less. We recovered them from Punjab, mostly from villages as well as towns, but more from the villages. That is because economic factors played a great part. Those nine to ten thousand women who were brought back from Pakistan were accepted by the Hindus. Why? Because of the economic factor. For the people had come from there as refugees and so they did not have any money. They did not have a woman to do the housework—a housewife. But here, there was a woman available. So forget everything, let's take her. They accepted them out of helplessness, not out of broadmindedness. It was not so important for the Muslims because they did not think of the woman as impure, but the Hindus did. With Muslims there was no problem about women's impurity and they hesitated much less when taking them back.

This was my experience. A Hindu woman felt that she had been made impure, had become sullied, was no longer *pativrata*. A Muslim woman did not feel like this. It was not in her blood, it is in our blood. We feel we have been polluted, we are no longer worthy of showing our faces in public. How can we face our families now when we go back? We would reassure the woman saying, "See how many times your father has come to fetch you." Even then they would feel ashamed of themselves because this tradition is so deeply ingrained in us. And Muslim women were not stigmatized by society. While our people would say that since they (the women) have lived for so long with a Muslim...Their parents would say that they had left their daughters with one or other of their aunts—they could not openly say that their daughters had been abducted.

This is our psychology. In the upper and middle classes this difficulty might have been there but not in the lower classes. A middle class woman might commit suicide—there were some cases like this, of course, but not too many. I have written about a case where the parents thought it was alright to sacrifice the life of a young girl in order to save a whole family. And when we were arguing about her recovery then the father said, this is our girl, and the girl denied it because she was terribly hurt by their behaviour. She said, "I don't want to go back. I have married of my own free will, I don't want anything from my parents." When she refused to return, it became very awkward. She was in the home of a police inspector. We felt that if we have found an abducted woman in the house of a police inspector, then how can we expect the police to do any recovering? That is why we had to bring her back. Our social worker went to Multan and met her. She said, "I will not go." Then we requested the Pakistani authorities to leave her in our camp in the Ganga Ram Hospital (Lahore) for a couple of days. Then if
she says that she doesn’t want to go back, it’s fine, but she must come here and say that she doesn’t want to. So she was brought by force. Her husband said, “I will take her back at night.” I said, she will not return at night, she will stay the night with me. He said, “Why should my wife stay with you, what right have you to keep her?” Then I said, she is after all, our daughter, when a daughter comes to her mother’s place she stays for a few days. She has no parents. That girl kept on saying that she didn’t want to go to her parents, she wouldn’t budge an inch. After two or three days she broke down, she told us that her parents had been told by the police inspector, “If you leave your daughter, gold and land with me, I will escort you all to the cantonment in India.”

That man was already married, had children. He had told her father, you give me this girl in exchange for escorting you all to an Indian cantonment. Then her father gave him his daughter, 30 tolas of gold and his house. One night I called the girl to my bedside and said, if you want to go back (to the inspector) then I will send you. If you don’t want to go back to your parents, don’t go, but please tell me why. Then she became tearful and said, “Behenji, what can I tell you? I am not happy at this inspector’s place. As long as he is in the house, I am alright, but as soon as he leaves on duty his wife harasses me, calls me the daughter of a kafir and so on. She makes me do all the work as if I were her maidservant. The man loves me, but he is under pressure from his family. But those parents who sacrificed me—I will never go back to them.” I said, alright, don’t go back to them, stay with us. We couldn’t let her return to Pakistan, this was a prestige case. If we let it go, we would have to bite dust in front of Pakistan. We had to bring her before the Tribunal when it met. Just before that I thought that I would get her married off to a nice boy in India, specially because she was not happy with this man. If she had been happy I would not have thought like this, but she was unhappy and would have to spend the rest of her life in this fashion. There was one officer whose secretary was a very good man. I let the boy and the girl meet once, in secret, because it was against our policy. For this Mridulaben got very angry with me but I was quite obstinate. I insisted that we had no right to keep a woman in this manner. When everything was settled I decided that this young woman could now face the Tribunal without flinching. During the cross-examination, the Pakistan SP called for the inspector (her abductor) as a witness. Imagine that! But we were forced to agree because we were told that as a police inspector he could make trouble for us in our recovery work, later. So he came. Meera (the girl in question) was also called in and asked, “Where do you want to go?” She said that she wanted to go to India. The man glared at her and shouted, “So you want to go to India, eh?” She said, “Yes, I want to go to India.” Then he yelled, “What do you think you are saying? I saved your parents, I have spent so much money on you. Even the bangles you are wearing are mine.” I intervened and told them (the escorting police) that she should be taken in to change into her own clothes. Then I gave him back the clothes and gold and other things he had given her, saying she could do without.

She got married later, but not in Pakistan, obviously. We did it in Amritsar afterwards, with the proper arrangements. The boy got a posting to Simla* after a transfer from Pakistan. Her parents also came to the wedding. Five or six of us, friends, got together and arranged a tea party for her. Now this fact, after being exaggerated, got to Mridulaji’s ears and, of course, she put me on the mat because these kinds of cases were outside our jurisdiction and we should not have been involved in them—they were really Mrs. Thapar’s responsibility because they pertained to rehabilitation, not recovery. Mridulaben said, “You were my representative when you did this, you exceeded your brief.” I said, well if you like, I will put in my resignation and go back to Bombay. I felt deep inside me that I had carried out my responsibility faithfully. If, because of me, their policy had been harmed then I would go back. At this she cooled down. Then, after a year when I was in Amritsar, this girl came to see me with her child. She came to see me specially, all the way from Simla. They were both very happy, she said. But I can’t forget her anger at being sacrificed by her parents.

... One of the best things about our recovery work was the fact that all parties—Communist, Socialist, Congress, etc.—sank their differences and worked together. Our social work—

*Old and new spellings of place names—Shimla, Jalandhar—have both been retained.
ers used to accompany the police party—their women never did, they didn’t have the motivation to go with the police. The police used to bring the women and leave them in the camp. We had several Congress, Socialist and even Communist members among our social workers. One day Begum Fatima of Lahore said to us, “I have heard that you have kept a Muslim girl as a prisoner and hidden her in the camp.” What are you saying, Begum Fatima, I replied, we have hidden four crore people, if you wish you can take them all. And, in truth, I had hidden her! She was a disputed case. But one had to do these things because the circumstances demanded it. I said, for one thing, our girls have gone to sleep and for another, you are talking about one girl, but I have four crores here!

We were always being accused of keeping Muslim women. I was especially prone to this charge because I had to meet the Collector for sorting out problems relating to the camp—its site, rations and allotment of houses. Urdu newspapers published reports that India had sent very inexperienced young girls out to do the work of recovery!

... We recovered approximately 2,000 women from the Frontier. In my estimation, most of the recovered women were ab ducted, there was no abandoned person. But there were others who were kept in concentration camps or in somebody’s house. Yes, concentration camps—because these ladies had been supplied to the military. This is not written in my book. You see, we used to send our military trucks to evacuate people who were left behind. For instance, one day, ten trucks would go to Lyallpur district (West Punjab) and the people who managed to climb onto those trucks were rescued, but there were others who could not make it. Suppose there was a large family and out of it only seven or eight persons managed to get out and the others got left behind—say, two girls were left behind. Now, they did not have the guts to go back for those two girls. When death stares you in the face then you worry about your own skin. And so, if your woman or child is left behind, either they will be abducted or they will be looked after by the local population. When they came with the Pakistani army, they were brought to the cantonment. Our own army was there and they established the camps where these women were kept when they were brought from the interior. Evacuations used to take place from there and their trucks would carry them to and fro. Those were known as camps and they used to call them “cantonments”.

If a woman found her way somehow to these camps then she would be sent to her own refugee camp, the one set up by her own country. But if she did not manage to reach this safe place and was picked up on the way, then either the man would keep her for himself or sell her off. No one could predict how long this sold-off woman would remain there. These poor women were housed by the government in the Kunja camp which was in Gujrat (West Punjab). Six hundred women had come to the Kunja camp as there was fighting going on in Kashmir. The army handed them over to us when they were useless. They were kept in the camp and when we celebrated Recovery Week and had used all our resources for this work, they brought these women into our midst. We felt so happy that 600 women had been sent by Pakistan.

All 600 had been used by the Pakistani army. Each one could not tell about herself but after talking with several of them one could make out that was the case. How did they become like this? When they were physically useless then they were brought to the camp and dumped there. There they could not get bathing water, food or salt. They also had some children with them who were very undernourished.

We got our independence in August 1947 and in November, there was the Inter-Dominion agreement. These 600 women were returned in February–March 1948. But this kind of situation existed in this area even earlier—it became worse during Partition. Rape and abduction of the other community’s women—all this had started earlier. When they proposed to bring 600 women back to us we were very happy. We told everyone in the camp and asked them to prepare a fitting welcome for the Pakistanis who were returning such a large number of women. We were thankful to them. But when they came at 9 p.m. and I saw the state of the women, the ground almost slipped from under my feet. They looked like human skeletons—the women as well as children! They looked as if they belonged to another time. Those who were young had also become old by being used. I feel like crying whenever I remember that sight. They had been completely ruined. Now,
when these women were brought to us in this state we were at a loss about how to handle this unprecedented situation. We had prepared a meal for healthy women. A savoury snack and rice and dal—in fact we had gone to a lot of trouble and had even got the utensils sent from Amritsar from the DAV camp. But now realization dawned that this food we had prepared was unfit for these ill and emaciated people. A few children died on the spot, one of them in my arms. The doctor also said that we could not give them the food we had made as they would get diarrhoea if they ate it. This put us in a fix—what were we to give them to eat? Where would we find milk and buttermilk for so many people at this late hour? We ourselves were strangers in this place, there was no way to order anything. And so we were constrained to give them that same dal and rice and mathri which we had brought.

In the morning, the doctor came and saw them and permitted us to give them simple food. We had our camp in the Ganga Ram Hospital where we had a very large community hall at our disposal. The next day Raja Ghazanfar Khan, the rehabilitation commissioner, and K.L. Punjabi came to see them. I could not stop the tears coming to my eyes while talking to them. Mr. Punjabi said, "Don't weep, Kamla, I already feel quite ashamed when I see these miserable creatures. I will just go and make arrangements for milk and food for them." He had to say this as food had to be sanctioned by the government, but he saw that these children had gone hungry for days. I told him, sanction or no sanction you must send enough food and oranges for them—even if I have to spend my own money. Each one was given one orange. The children ate the peels as well. You cannot even imagine all that I have seen. They would not sit in a row to be served food or, if our workers managed to make them do so, then they would sit in one row and then go and sit in another to get another share ...

Pakistan's attitude was that we should be thankful that it had managed to recover so many women. Naturally, they would not admit that they had any hand in the situation the women found themselves in. On the contrary, they claimed that they had been feeding these helpless women.

We asked them, what did you get to eat? Who was responsible for this miserable condition you find yourself in? How did you come to the camp? More than that they could not have answered as they were in a daze and so mentally disturbed. They had just been dumped. But this much they themselves told us, that they had been supplied to the army. Those who were older did not say anything but the young ones sometimes talked to us. I asked one of them whether they got food and she answered yes, we got very good food, but ever since we have come to this camp, our food has been stopped. I asked, what kind of delicious food were you given and she answered, "The meals of the men were very good." Then we understood what she meant. We had no definite proof, of course.

As far as I know, there weren't any women with infants of 4-6 months or babies-in-arms among these 600. But there were some who were pregnant. We used to make a list of all the pregnant women in Lahore and send it to Jullundar together with them. They used to keep these women for three months or so, give them a complete medical check-up (euphemism for an abortion) and only then would they try and find their relatives. Because if they came to know that the woman was pregnant they would say, let her stay in the camp and have her child.

It was my experience that women in the 35-45 age group felt very ashamed of having abortions. I felt that they had managed to acquire a certain status in their household and family. How could they show themselves to their husbands and children in this state? They wanted to burn themselves alive or die rather than face their people. They said they would rather go to hell. But they did not want an abortion, especially those who were in the third or fourth month of their pregnancy.

The government at this time passed an ordinance that those whose babies were born in Pakistan would have to leave them behind and those children born in India would stay in India. I was in Lahore at that time. There was a conference held to discuss the implications and I was specially called. I said to Mridulaben that I will 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. At that time there were a lot of very conservative people in rehabilitation work.

Mridulaben asked me, "Kamla, what do you want to tell me?" I said, a girl and a mother who has already been treated
so cruelly should now be told that only she can go across and not her child—this is like stealing her child and this I will not do. Everyone has a right to her own opinions. Mridulaben 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, then why should they leave their children in India? Our officers, Gundevia and others, also said, “What will happen to the children? Because if you are a Hindu then the children should also go.” It was like a double-edged sword. There was one standard against which to measure on one side and another on the other. On the one hand the women were worried that they would lose their children, on the other there was this question, why should these children be brought back. I said, I will not do it. If any of you come there and do it I will help you, but I won’t do it. I will not be a party to it.

At that moment, there was really no time to reflect on the future. Look after today and what tomorrow will bring, nobody could foretell. When you are faced with thousands of problems even when you are having your meals, there are fifty people crying in front of you, you don’t see a single smiling face... All I knew was that one should not separate a mother from her child. Then finally these people agreed that these women would take their children with them to the Jullundar camp. After fifteen days we would ask them whether they wanted to take their children with them or not. If yes, they would take them, otherwise the children would be left in the Jullundar camp and suitable arrangements would be made for their care. I realized that women in the age group 30-32 were not keen to take their children with them for they had had other children earlier. But women who became mothers for the first time did not want to leave their first-born in Jullundar. When their relatives or parents came to see them they came to the Self Service Corporation, an all-India refugee organization, the women were very hesitant to see them. They felt ashamed of themselves and wept. They said that even if their parents took them back they would not accept their babies, their future prospects would be in jeopardy. So they had to decide at that point whether they would go with their parents or continue living in the camp. But then they realized that they could not stay in the camp indefinitely, and finally they also agreed to leave their children behind. They wept and fell at our feet to beseech us but there was no other solution, and they had to leave their babies.

However, Mridulaben made some very good arrangements for these unfortunate children. She took over a whole wing in the Kamla Nehru Hospital in Allahabad. We sent her the children from the Jullundar camp. The procedure was such that you can’t imagine it! There was an air service between Amritsar and Delhi. We wrote to the airline, which belonged to the Tatas, not the government, requesting them for a free passage for these babies. We would put each baby in a basket together with a bottle of milk and one bag of clothes and give the basket to the air hostess. Then our social worker would go to Delhi and collect the basket and deposit it in Lady Hardinge Hospital for the night. Then it (the baby in the basket) would be sent by the next flight to Allahabad to be collected once again by our social worker and taken to the Kamla Nehru Hospital. Each baby was sent with a sealed envelope in which was given the relevant information about the baby, such as its parentage, etc. Mostly we knew the name of the mother but not its father as the mothers would not disclose them. We must have sent between 200–250 babies.

If we had left them behind in Pakistan then it would have been like snatching, but now these women left them behind of their own accord. That makes a difference in a woman’s life. The difference between doing something by force and doing it of your own choice. This can be compared to a two-edged sword where we don’t know which edge will be sharper. I certainly wasn’t able to tell.

A few of the fathers wanted to keep their children, but they were very few. But this was not for us to decide. When the party went with the police to recover the women, the fathers might have asked for the custody of the children and they might have agreed in some cases. But our job was to recover the women, no matter what, and if they came with their children we accepted them as they were. We did not refuse to take the children...

... Today we sit in a comfortable room and discuss and raise all these questions but at that time, neither did the condition of these unfortunate women permit nor did we have
any time to spare, situated as we were in camps, to ask all these questions. One could not even think normally, the conditions were so extreme. Anyway, only special cases came to me. The normal cases were dealt with by the Pakistan police who were always sitting next door. All that had to be done in these cases was to give either the women's signature or thumb impression and say that we found such and such a woman and give their names and that was sufficient. They were treated like cattle. The next day we would send them on to Jullundar. Then it was the work of the Jullundar camp people to get information about them. In our Lahore camp, all this was not possible. Also, as I said earlier, I got only special cases—either those who said that they did not want to go or those women whose cases were disputed—where the men claimed that the women were not abducted but had been with them for a long time and therefore they would not give them up.

The Indian government agreement was quite dumb in this respect for it said that any person abducted after March 31st, either woman or child, must go to their respective country whether they desire it or not. One had to be careful about these disputed cases. There were lots of people who claimed that the women they were holding were with them for a long time, and they would bring a sealed certificate from the sarpanch to this effect. If this woman is not abducted, as you claim, then why should her parents have lodged a report, we would counter. Then the case became worse. There was a question in our Parliament that for this work of dealing with women, would it not be handled better by a woman rather than an SP? They agreed. Now the question arose that on the other side the work was being handled by Qurban Ali Khan. Then Mridulaben and I did this work for about five months with the Pakistanis. I said that I will speak for Pakistan. It's not a question of Hindus or Muslims; it's also not a question of politics. If it was, I would be able to follow my inclinations in India, which is quite big. I am a woman and, as such, if the matter involves any woman, I shall speak about it. Some people were nasty. They accepted me as an observer and not a Tribunal member, but whenever the Tribunal was convened, whether this side or that, I used to attend it. And it was also mentioned in the Indian Parliament that Kamla Patel was attached to the Tribunal. Our SP felt very bad about it. When the Pakistanis accepted me our SP got rather upset. He said I was doing too much for these people. I said, I am a woman and I understand women—I do not want to understand your politics. I have written the story of a Muslim woman in my book. She belonged to a rich family. To begin with, I should tell you that Alwar, a place in our area has in some parts of the state, a totally Muslim population. This lady belonged to a family, some of whose members had migrated to Pakistan so that her relatives lived both in India and Pakistan. Now we had to decide who to hand her over to since both Pakistan and India could call on her relatives to come and take charge of her. Who would prove more stubborn, Pakistanis or Indians, we did not know. But the girl herself was quite abusive and demanded to know where were the Muslims we would send her to.

At that time the situation in the Muslim camps had become very bad because there were no proper social services for them. The Pakistani SP requested me, rather requested Mridulaben, to please send Kamlaben for ten days. He said, “Your camp is running smoothly but ours is not.” So I went for ten days to Jullundar and would go to their camp for few hours. I found that things were rather bad. Here in this Muslim camp there was one woman whose father’s brother was in Alwar and another uncle—aunt’s husband—was in Pakistan. She was pregnant and after six months in the camp, she was about to deliver. I told the camp authorities that they must do something about her. When I saw that they were quite nonchalant, I called the girl herself and asked her where she would like to go for her delivery, to which uncle’s place. She answered innocently, and as if she had no choice, “You tell me.” I felt very bad for her—neither the Pakistani uncle nor the Hindustani uncle was willing to help her, evidently. The camp people were quite fed up as well so I said, you give her to me. They agreed promptly. They even handed her over to me formally; a resolution was passed in the Tribunal that Masooma so-and-so has been handed over to Kamla Patel. Having gone through with this I wondered what I should do with her, for her delivery time was very near. So, I took her to Amritsar and handed her over to the camp superintendent, Ajit, who was very well known in Punjab. I told his brother, Jagjit, to please look after her and
especially now that she has a baby. Then she suggested that I go and see Apaji and tell her the whole story. (Apaji was Rafi Ahmed Kidwai's sister, Anis Kidwai.) So I went and told her the whole story. She said, "Why are you so worried about her, Kamla? Just send her to me without hesitation."

After some time I went to Delhi—while I was working for the Khadi Commission, in 1956 to be precise—and I met Apaji and asked her what had happened to that girl. "She is very well. Shall I call her for you?" she said. Then she asked how long I was going to stay. Apaji had married her to a farmer—according to Muslim religion there is no bar about marrying a woman who has children. Apaji told the groom, "I am giving this child (her baby) into your safekeeping; you will look after it." Then they had a second child and both husband and wife came to see me with both the children.

... These women—it was not a question of Hindu or Muslim, it was more a question of where they belonged. We had to return these girls to their people, whether they were Hindu or Muslim, they had to be given back to their parents, sons and other relations. Let me put it another way. Though the question of religion was dominant, yet it was also a question of citizenship. There was a certain insecurity involved in case they stayed back. A Hindu or a Muslim woman would feel insecure if she got left behind in a country where the other community was dominant and where none from her own family or community remained or her entire social structure had been destroyed. She did not come there of her own accord but was brought there forcibly. These women would have no future nor feel secure. It is quite different for you and me. But for these lakhs of village women security lies in the fact that they belong to a community, that they are with their husbands who have a social standing in the community and therefore the husbands are constrained. Husbands cannot throw them out. Except for this kind of security, the uneducated village women have no other. Suppose the man with whom the woman is living throws her out one day—how can one trust a man who abducts, will he look after her for a lifetime? But if she goes to the country which is stipulated for her, she will at least have

the protection of her government. The women who came to our camp put us this question, "Where will we go if our relatives don't keep us?" And we used to reassure them. "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." Here there was no need to worry about her future. That this promise proved correct, I can vouch for, from my work experience.

Of course, there were unfortunate cases, they had to sacrifice, but they only numbered five out of 1,000. What would have happened to the other 995 women? How could we make exceptions? As it is, for the exceptions that were made already, the dominant types, conformists, were carrying on a running fight with the Tribunal. So, among them only about four or five exceptions were made because that seemed to be the only practicable solution to their problems. And as for the 500 genuine cases, they might be valid today and invalid tomorrow. What would happen then? They will have no one, no parents, uncles, aunts or any other relatives. Though there were Nari Niketans in existence, they would not have looked after a woman professing another religious belief. All this is very specific to women because on the whole they are more vulnerable. This identification, however, was done according to the countries they belonged to, that this one is an Indian and that a Pakistani. Partition was internally connected with Islam and the demand for a separate country, for a separate community. And since this label was attached, how could women be free from it?

Rupture

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, accounts by social workers and some documents, however, the circumstances of their "abduction" varied widely. Some were left behind as hostages for the safe passage of their
(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 the men they were with! 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 Pakistani 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 manhandle 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 Pakistani SP had already told me.

Naturally, as soon as we reached Pakistan the women realized 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 Jullundur 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?”

In Lahore, the camp for recovered Muslim women was in the Women’s Penitentiary. When we reached there, the women got down and each one of them made a burqa of her chunni and emerged in parda. They knew that if they protested now, they would regret it.

Krishnaji told us many other stories like this, each equally poignant, but it was from her colleague, Dayawati Kalra, that we heard the most heart-wrenching one of them all.

B. was the eldest of seven sisters. Her family, brothers, wanted her to come and live with them but she refused because she knew she would not be fully accepted... I was very close to her. Her’s is a difficult story... I don’t feel like talking too much about her life... she was such a brave woman.

She went with me to Vaishno Devi. She happened to mention that she had some relatives in Jammu but she was not keen to meet them. My husband wrote to her relations and asked them to get in touch in Jammu. They came to meet her and all of them started crying. She was very, very upset. She said, “Main kithe phas gayee. Mere kol kithe aathro paye ne ki main rovan.” (Where have I got stuck! I don’t even have tears to shed any more.) She came away. She sacrificed so much—she was such a generous woman. . . . She brought three children. She came after 8–10 years in Pakistan but she did not want to come. . . .

When she left in the caravan she was very young. Her father was worried about her and he told her, “B—Tu chahti hain, yaa tu na chahti taan main saare dooje bacheyan noon bacha ke lai jaanda.” (If only you were not so young, or didn’t exist at all, I could have taken the rest of the family to safety.) She thought she could help her family by committing suicide. There was a three storey house next door—she jumped from it, broke her leg, but did not die. She was destined to go through all the hardships in life, so how could she die? The caravan left with all the members except B. and her father. The father admitted her in the camp. There was a Muslim tahsildar there who would take young Hindu men from the camp and kill them. Her father was taken and he told the tahsildar to look after B. and give her to his relations if he were to die. B. was about 16–17 years old. Her father was killed. The tahsildar took her home, got her treated. About two years passed. There was no hope of anyone coming to take B. The tahsildar’s son was a thanedar. He got them both married. She was happy. But she said they wouldn’t let her
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. Again, there were some who, as Anis Kidwai says, belonged to poor families and were now with such generous men who “gave them silk salwars and embroidered dupattas, and introduced them to the taste of ice-cream and hot coffee! Why would they leave such nice men and return to a life of drudgery and poverty?”

A Sikh schoolteacher we met had spent six months after the October 1947 raid with a Muslim neighbour in Muzaffarabad in Azad Kashmir, 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 families freely, seemed to her to be settled and held in regard both by the community and their new families. “After all,” she remarked “where is the guarantee of happiness in a woman’s life anyway?” And there were a few among them whose circumstances had in fact improved.

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” (honour). 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 these tell us about how, in times of communal violence, each one of women’s identities—gender, community and nationality—is set up against the other and contested.

Two accounts, both by social workers who were at the Gandhi Vanita Ashram, Jalandhar, for several years and worked with recovered women, are illustrative. In personal interviews with us one of them spoke about the return of Muslim women to Pakistan; the other about the recovery of a Hindu woman eight years after Partition. Krishna Thapar said that:

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 ateegeen raula pa ratian ne, enada ta phaisla ho chuka hai, enanu ta bhejna li hai."
meet any Hindu girls who had been left behind and about whom she came to hear. She learnt Urdu. With her family she visited relations in different cities but they were afraid to let her meet other Hindu girls who had stayed on or who had been kept by Muslims. But she was happy.

Her brother kept going to Pakistan to look for her, and finally he found out that she had been taken by the tahsildar and that he may be able to provide some information. When her brother contacted the tahsildar he said he was not aware of her whereabouts. One day her husband asked her if she would agree to go to India if someone came to take her. She said there was no question of her going now that she had children and she was well adjusted, where was the question of going?

There was no pressure on her to convert—she was from a Brahmin family. She followed her own religion, prayed the way she wanted. Of course, she could not go to any temple...

The search for her continued. Her father-in-law and husband knew about it but she was not aware. Finally she was taken to the court to make her statement. The DC asked her to remove her nakaab (veil) to make her statement. The orderly in the court recognized her as soon as she lifted her veil. He had been with her father. That changed everything. He gave her a knife and said, “Tu beshag naa chal par ai chhuri meri gardan te rakh de” (If you don’t wish to come you don’t have to, but just kill me with this knife.) After such a statement and this kind of pressure she had to come. The husband did not know about her decision. He was certain she wouldn’t go.

She came to the Ashram and refused to go to any relation. The brother tried his best but she said, “Main aithe aa agyee aan, bas. Meri jo tabaahi honi si ho gayee hai.” (I have come here at your insistence, that is enough. I’ve lost everything now. I have lost whatever I had to lose. I will not go anywhere.) She brought three children. The third child was born in Lahore camp where she spent six months. This was in 1957-58.

... Her husband and his family must have been heartbroken—they lost her as well as their three children... Only I know her story because we were very close. She did not talk to anyone about it. That tahsildar kept her like a daughter for over a year. Only when no one came for her did he suggest marriage to his son. No one else would have done so much. He was honourable.

When we met her in 1991, B. was eloquent about her present life, spoke with pride about having educated herself and been able to stand on her own feet, and of being helped greatly by the Ashram and the women there; but she absolutely refused to speak of her past. “Dafa karo”, she kept saying, “hun ki yaad karna hai. Dafa karo. Main sab bhula ditta hai. Hun main izzat nal rahin aan, main kyon puranian gallan yaad karniyan ne. Mere baccheyan nu vi nahn pata. Hun sudhar nahn ho sakda, kuj nahn ho sakda.” (Leave it. What use is it recalling the past? Forget about it. I’ve banished it all from my mind. I lead a respectable [honourable] life now, why look back to the past—even my children don’t know anything about it. Nothing can be done about it now. It can’t be resolved.) It is all over now, she seemed to be saying, her past as well as her struggle to come to terms with her life. For years she believed in no religion and no god, till very recently, when she joined a Radha Soami sect.

In Jammu, in 1992, we met a man who told us about his sister who had been abducted from their village in October 1947. He showed us letters from her, an embroidered Qoran cover that she had made for him, and played a tape recorded message from her, over and over again for us. Her story is the mirror image of B.’s:

K. was 16, and had gone to visit her grandparents in village Hattiyan Dupatta (Muzaffarabad distt. of Azad Kashmir) when she was picked up by the tribals. She was passed from one man to another, tried to commit suicide by throwing herself off the roof of one captor’s house, but was caught
and taken away by a zaildar. She was finally rescued by her parents' erstwhile neighbour, a patwari, who kept her in his house for some time before he persuaded her, for her own safety, to marry his son who was in fact younger than her. Her father went to Lahore and tried for three months to trace her through the Red Cross, but failed. When they finally managed to make contact with her, he went again to Pakistan and tried hard to persuade her to return. She did indeed journey to Lahore to meet him, but refused to return because she was carrying her husband's first child. Her father returned, heartbroken, and died shortly thereafter.

K. lived on in Pakistan, had two sons and four daughters and commanded great respect in her family and community. According to the accounts of those who visited her, she lived well and with great dignity. She had complete freedom, we were told, didn't believe in Islam, was not obliged to read the Quran or say her namaaz. But her name was changed to Sarwar Jahan. The common description of her was that she was like a dervesh whose words had 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), was quite militant—and wrote reams of mystic poetry.

K.'s brother said she was filled with longing for her family after she met her father, and wrote many letters that spoke heartrendingly 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.
God has released these arrows of separation
That forever divided you and me.

When once her brother wrote 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?" He recounted how, 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 her family in India even once, nor did she ever return to their ancestral village in Muzaffarabad.

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—give us some clues regarding the circumstances of abducted women's lives. The individual adjustments they made did enable them to achieve a degree of equilibrium and take up the threads of living again. But many offered strong resistance and, often, refused to conform to the demands of either their own families or their governments and fall in line with their notions of what was legitimate and acceptable. Some who resisted 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.12

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 claims it might have had 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," said Gulab Pandit, 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."
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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. How often were we told that 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.

Resistance

In a letter dated March 3, 1948 to K.C. Neogy, Minister for Relief and Rehabilitation, 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.13

The issue could not so easily be laid to rest, however, for it 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 focus of concern was primarily to identify the women as either Muslim or Hindu, but it also extended to them as citizens of their "respective countries", in need of being reclaimed. As Kamlaaben Patel says in her interview, "the identification was done according to the countries they belonged to, this one is Indian, this one a Pakistani. And since this label was attached, how could the women be free from it?"

In all, approximately 30,000 Muslim, Hindu and Sikh women were recovered by both countries over an eight year period. The total number of Muslim women recovered was significantly higher—20,728 as against 9,032 Hindu and Sikh. Although most of the recoveries were carried out between 1947-50, women were being returned to the two countries as late as 1957, and the Act was renewed in India every year till 1956 when it was allowed to lapse.14 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. But the programme was beset with difficulties from the very beginning.

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.15

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:

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.14
The 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 Gulab Pandit 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 the 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 the very family and community that were to provide them support, was one reason why many women resisted being recovered. Pregnant women were obviously more vulnerable than others and, as Kamalaben said, the decision on whether to abort or carry their pregnancies to full term was an agonizing one for almost all women, especially young mothers. Those who were in an advanced state did not even have this choice: for them the question of whether to abandon their babies must have been even more painful.

Meanwhile the government passed an ordinance to say that those (Hindu) women whose babies were born in Pakistan after Partition would have to leave them behind, but those (Muslims) whose children were born in India, could keep them. According to Kamalaben:

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; 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, 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. At this point, Kamalaben (Kamalaben Patel) told us:

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 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.

It was only a sharp difference of opinion between Rameshwari Nehru and Mrudula 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.

The differences between Rameshwari Nehru (who opposed forcible recovery) and Mrudula Sarabhai (who wished to press on) gradually came to a head; Mrudula Sarabhai believed that no woman could be happy with her abductor, Rameshwari Nehru, not so. Within a year or so of recovery work having been undertaken systematically, she advised the government to stop it altogether because she was convinced that although “the figures of recovery have been encouraging, 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 them from
the homes in which they were now settled would result in untold misery and suffering.

... From what I have seen of the recently recovered women, the number of those who have adjusted themselves to their new lives, have married their abductors or rescuers and have happily settled down, is appreciably great. It is also well known that a very large proportion of the women recovered in India were unwilling to go to Pakistan. Many of them even after months of detention in our transit homes were steadfast in their determination to remain with their new relatives (emphasis added)

... But I regret to say their protests, their hunger strikes, their pathetic and heart-rending cries of distress, widely witnessed by both workers and outsiders, were of no avail. Moreover, there was no follow-up system by which social workers could ascertain what happened to the women once they were returned. Often, the women's relatives could not be traced and they were married (again) to strangers or exploited commercially. Because social workers played no part in actually rehabilitating the women once in Pakistan, the work was left entirely in the hands of superintendents of police. “The defect arising out of such an arrangement,” Rameshwari Nehru continued, “is only too obvious. By sending them away we have brought about grief and the dislocation of their accepted family life without in the least promoting human happiness.” 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”. Rameshwari Nehru's 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. Mridula Sarabhai was now in sole charge.

It would be incorrect to claim that the social workers 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 “respectability” and “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 with first-hand experience of the consequences 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 (emphasis added). 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 is in itself, immoral, apart from its being criminal...”

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 their 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 identified her, first and foremost, as the member of a religious community, and then invested her with the full responsibility for upholding community honour; next it denied her any autonomy whatever by resolutely 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.

**A Nation and Its Women**

“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 setback to the basic ideals of a secular state and Janata Raj.\textsuperscript{19} 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 the moving spirit behind the 1949 Bill—just as earlier, the Inter-Dominion Agreement of November 1947 had been based largely on a 14 page document drawn up by her and handed over personally to Liaquat Ali Khan.

It was generally assumed that all abducted women were captive victims 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 Gopalswami 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.”\textsuperscript{20} Smt. Durabai, 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? (emphasis added) . . . 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.\textsuperscript{21}

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.\textsuperscript{22}

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 gave a verbal assurance that no compulsion or coercion would be used, and added, “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.”\textsuperscript{23} The clause in question was then put to the vote and passed by the House. 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. The writ of habeas corpus was denied; 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 guaranteed by a Constitution that would come into effect the very next month (January 1950). They warned that the Supreme Court could not countenance the denial of the writ of habeas 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?24

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. And Mahavir Tyagi reminded the House that:

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.25

To this the Minister replied that he had 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 allowed to stay back. On the issue of habeas corpus he said, "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."26 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."27

Borders and Bodies

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-à-vis the women who had been abducted. In the former, it was obliged as the "responsible and civilized" government of a "civilized" country to rightfully claim its subject-citizens; as the latter it was morally bound to relocate and restore these same subjects within their families, communities and countries. 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 more than anything else, that enabled the Indian state to define itself in opposition to the Pakistani one.

The recovery programme, through its covert and overt rhetoric and operations, was as much an index of how India and Pakistan constituted themselves vis-à-vis each other as it was a contest of competing claims by Hindus, Muslims and Sikhs over each other's (and their "own") women and children. To this extent both countries were engaged in a redefinition of each other's (and their own) national "char-
acter”, as demonstrated by a commitment to upholding honour and restoring moral order. The proper regulation of women’s sexuality had to be restored, and the sexual chaos that mass abduction represented had to be reversed. Thus, the individual and collective sins of men who behaved without restraint or responsibility in a surge of communal “madness” had to be redeemed by nations who understood their duty in, once again, bringing about sexual discipline and, through it, the desired reinforcement of community and national identities.

Feminist and other scholars of nationalism in post-colonial societies have drawn attention to the place that the “woman question” occupies in transitions to modernity. In India, for instance, the preoccupation of the social reform movement with widow remarriage, sati or the age of consent was, in fact, a concern with women’s sexuality. The movement’s intention was to lift discussion of it out of the domain of the traditional, and insert it into the political and social agenda of modern nationhood; but as various analyses have shown, the enterprise was confounded at the outset by the clear demarcation of public (represented as male and modern) from private (represented as female and traditional), and by the need to emphasize the purity and cultural superiority of Indian womanhood.

The rhetoric of modernity, however, could hardly be abandoned by a modernising state: it was constrained to undertake the kind of transformation that would enable it to weld a nation and build a citizenry that would recognize its fellow members as part of the same nation, sharing nationality. It would have to grant rights, assign responsibility and guarantee equality in an undifferentiated manner to all its citizens. Nonetheless, as Deniz Kandiyoti argues, definitions of “modern” take place in a political field where certain identities are privileged—even while equality is promised—and others subordinated. Whenever women serve as boundary markers between national, ethnic and religious collectivities, she says, “their emergence as full-fledged citizens” with concomitant rights “will be jeopardized”.

Other analysts have noted that women have been subsumed only symbolically into the national body politic, because no nationalism in the world has ever granted women and men the same privileged access to the resources of the nation-state. Moreover, as Mosse points out, “nationalism had a special affinity for male society, and together with the concept of respectability, legitimized the dominance of men over women.” The passionate brotherhood of “deep comradeship” that Benedict Anderson talks about is an essentially male fraternity in which women are enshrined as the Mother, and the trope of nation-as-woman “further secures male-male arrangements and an all male history”.

Floya Anthias and Nira Yuval-Davis have pointed out how central dimensions of the roles of women are constituted around the relationships of collectivities to the state, and that equally central dimensions of the relationships between collectivities and the state are constituted around the roles of women. The reconfiguration of relationships between communities, the state and women in the wake of a bitter and violent conflict amongst Hindus, Muslims and Sikhs and the division of India along communal lines, took place in part around the body and being of the abducted woman of all three communities. She also delineated the relationship between India and Pakistan as they typified the two principal “communities”, Hindu and Muslim, eternally and irrevocably locked in battle with one another. Each was projected as an essentialized collectivity: Hindustan, land of the Hindus, and Pakistan, Muslim homeland, closed to non-Muslims, non-believers. In the classic transposition, the woman’s became the body of the motherland (Woman-as-Nation) violated by the marauding foreigner.

The establishing of difference, or distinction, is a virtual prerequisite for nationalism even though all definitions of it remain elusive. What, asks Eva Sedgwick, distinguishes the “nation-ness” of the United States from the “nation-ness” of Canada or Mexico? From the Philippines? And from the many nationalisms within itself? Recognizing the several differences she concludes that there is no “normal” way for the
nation to define itself:

... the 'other' of the nation in a given political or historical setting may be the pre-national monarchy, the local ethnicity, the ex-colony, the diaspora, the transnational corporate, ideological, religious, or ethnic unit... the colony may become national vis-à-vis the homeland, or the homeland... become national vis-à-vis the nationalism of its colonies.

Most theorists of nationalism have posited that nations are haunted by their definitional others; implying "some element of alterity for its definition" a nation, according to Perry Anderson, is ineluctably "shaped by what it opposes". Benedict Anderson further suggests that nationalism should best be conceived "not as an ideology" but "as if it belonged with kinship or religion rather than with liberalism or fascism".

In its own perception, three significant factors in the constitution of the Indian state set it apart from—and above—Pakistan: it was statedly secular, democratic and socialist. Pakistan was avowedly Islamic ("theocratic" to many), still feudal, suspiciously "un-modern". This was at the level of ideology. At the "imagined" level, however, other factors informed the self-perception of the Indian state and its male subjects, and both are important for an understanding of the uncommon zeal with which the Indian government set out to recover women. The idea of Pakistan as embodying/representing the larger collectivity of Muslims, by definition inimical to Indian national interest; the sexuality of women as transgressed by abduction and forcible conversion and cohabitation; and the question of the "legitimacy" of children born of such "wrong" unions as future members of a community, are the three elements that we examine as forging the link between secularity, sexuality and the state.

Again, the Debates provide the clues to all three. Chaudhury Ranbir Singh, member from East Punjab said:

Sir, our country is a secular State and it is in no way proper to compare an agreement arrived at in our country with that of the other. The other country is a theocratic State. We can have doubts with regard to our sisters there but it is not justified for anyone to entertain the suspicion that fair treatment will not be meted out to women in this secular State.

And, Sardar Bhupinder Singh:

You are not prepared to go to war over this matter, I do not know why. If you are prepared to do so for a few inches of land in Kashmir, why not over the honour of our women? It is more important and is likely to affect our political prestige. Whenever outstanding disputes between this country and Pakistan are enumerated they mention canal water, Kashmir and evacuee property—and such is the weakness of our government, they do not mention this question of recovery of women.

For the government, as for many leaders, Pakistan's intentions as far as the restoration of women was concerned never quite squared 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 two thousand women; and failed to ensure that their police and social workers honoured the spirit and letter of the Agreement. In December 1947, moreover, Pakistan put forward the view that women ought not to be "compulsorily" restored to their relatives because they were "happy and content" in their new surroundings. In support of this argument, it produced declarations to this effect made by the women concerned, duly attested by magistrates.

Members of the house continually urged the Minister, Gopalaswami Ayyangar, to impress upon the government the need to put greater pressure on Pakistan for this purpose. 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, Mahatma Gandhi, and also other leaders whose support and help are available in plenty for recovery activity. 38

Another, Pandit Thakur Das Bhargava, declared "... so far as we are concerned, we know how to honour our moral obligations," implying that the Pakistanis did not.

As the discussions in Parliament continued it became clear that, in most members' view, Pakistan itself had become the abductor country mimicking, at a national level, the behaviour of its male subjects and guilty of the same moral turpitude. By contrast, India behaved like a responsible parent-protector, in turn reflecting what was the generally responsible behaviour of her people. There were aberrations, of course—"Some of our misguided brothers also share the responsibility to a certain extent"—but, in the words of one member, "greater fault lies with the people and even with the government of Pakistan". In April 1948 the Lahore high court admitted a writ of habeas corpus requiring seven abducted women and children at the Sir Ganga Ram Hospital Camp to be produced before the court. When the women and children appeared the court ordered that they be released immediately because, in its view, the agreement between India and Pakistan regarding the recovery of women and children had no legal sanction unless it was made into a law through proper legislative procedure. Kamalaben Patel, who appeared with the seven recovered persons, recalls:

No one was willing to accept our brief. At long last when a Christian advocate agreed to accept he was threatened with boycott... so he declined to appear... The matter fell on my shoulders and I had to step into the dock as the defendant... I was hooted down by the lawyers present in the court room... they shouted that they were not interested in my work and were not willing to repatriate recovering women and children... Their words upset me more than the order given by the court. 39

As far as several members were concerned, Pakistan's duplicity regarding the return of women was consistent with its duplicity in all other matters under dispute—Kashmir, canal waters, and evacuee property—and provided proof enough (if proof were needed) of its indifference to honouring agreements in general. By proceeding as if Pakistan would indeed keep to its side of the bargain, India was guilty of weakness and irresolution. In the face of such provocation she had no choice but to depart from her moderate and "civilized" course and speak Pakistan's language.

Pt. Thakur Das stated,

The Pakistan government does not understand the language of morality, it only understands the language of force and retaliation... If this were a matter of mere international morality, I am at one with the Honourable Minister. But, all the same, when we have entered into a bilateral agreement—and with all solemnity they entered into the Agreement—let us see how it has been honoured in letter and in spirit by Pakistan. 40

In at least two very significant instances Pakistan had betrayed its intentions:

We knew on the 3rd of September 1947, an agreement was signed between the two governments and the ink was not dry when the Pakistan government, along with the Azad Kashmir government, raided parts of Kashmir and took away our women... For a government to be party to this loot, to this raid upon women and property and then to say that they were not... and ultimately to accept that they were... Nobody on earth can justify the Pakistan government. 41

Nor could anybody countenance the fact that two thousand Hindu women were still in the custody of Pakistani government officials. That India should have signed a cease fire agreement before the captured women had been returned indicated that the government was neither "bold enough, good enough, sagacious enough, nor honest enough". Women had been spirited away to the closed districts of Jhelum, Gujrat, Campbellpur, the Frontier and Rawalpindi where no Indian recovery official was allowed to enter; they were stripped and paraded in Kabul; they were passed from hand to hand and sold in bazaars—still India stood silently by. If retaliation was the only language Pakistan could understand, then that was what India should speak, and speak
it through those same sisters who "our country has a tradition of protecting". They would be the hostages. And if the state had cast itself in the role of Father to the women, then its male citizens would safeguard them like their brothers. "Sir," said Pt. Thakur Das Bhargava, "there is no reason why ... a country is not justified in keeping these (Muslim) girls as hostages for some time... As a matter of policy, of strategy, it should have been done." If India could think of cutting off relations with Pakistan on economic matters, why could it not do so "to get our sisters back?" 42

It could not, because then it would be no different from Pakistan. "Now I wish this to go on record," said Gopalswami Ayyangar, that (making recoveries) is a thing which, as a civilized government, we ought to continue to do. Our own policy is that ... are adequate or not, we owe a duty to a large number of Muslim women who are abducted within our territory. 43

As powerful was the sentiment expressed by Shibban Lal Saksena:

Sir, our country has a tradition. Even now the Ramayana and the Mahabharata are revered. For the sake of one woman who was taken away by Ravana the whole nation took up arms and went to war. And here there are thousands, and the way in which they have been treated was told by the Honourable Minister himself... what not was done to them. 44

Several other members concurred with this sentiment, reminding the House of its "moral duty" to behave honourably.

Two traditions are here being invoked: a tradition-in-the making of responsible government, secular principles and democratic practice (anticipated even in these Debates in the discussion on the Constitution of India due to be introduced in Parliament in January 1950); and an ancient Hindu "tradition" of chivalry towards women and fierce protection of their honour. Such an invocation was consistent with what has been called the Janus-faced quality of nationalist discourse: as Kandiyoti points out, "... it presents itself both as a modern project that melts and transforms traditional attachments in favour of new identities, and as a reaffirmation of authentic cultural values culled from the depths of a presumed communal past" (emphasis added). In this case, it also necessitated the complete negation of any values of a shared Hindu-Muslim past (or present); indeed, one might even say that the attempt was to distance "civilized", "secular", Hindu India as far as possible from "irresponsible", "communal" Muslim Pakistan, and crystallize the difference in such a way that no other representation of either community or country could be accommodated.

 Unlike community identities which most members assumed to be predetermined and unchanging, the identity of the Indian state was being newly forged. The Debates seesawed between those who were more concerned with establishing its secular credentials and adhering to democratic principles (among them members of the Communist Party of India and some Congress members, men and women), and those who were pressing for a more militant resolution as proof of the state's concern with its larger responsibility towards both its citizens and its territorial integrity. In the end, it was the latter who prevailed and the Bill was passed—but not without exposing some very fundamental flaws in its formulation, and unacceptable coercion in its implementation.

Boundaries and Being

It is important to note here that, from the very beginning, the concern with abducted women or persons went hand-in-hand with alarm at forcible conversions. This preoccupation continued throughout the Debates and, in fact, underlined another important factor in India's relationship with Pakistan: the loss of Hindus to Islam through such conversions, in addition to the loss of territory. Abduction and conversion were the double blow dealt to the Hindu
"community" so that the recovery of "their" women, if not of land, became a powerful assertion of Hindu manhood at the same time as it demonstrated the moral high ground occupied by the Indian state. Nothing like this concern was evident with regard to the abduction of Hindu women by Hindu men, or Muslim women by Muslim men (by all accounts also very widespread), presumably because here no offence against community or religion had been committed, nor anyone's "honour" compromised.

Although there seemed to be a general consensus on both sides of the border that large numbers of women had indeed been abducted, a working definition of an abducted person was attempted by the Indian government only in 1949 in the Bill under discussion. Let us recapitulate this definition. It says:

In this Act, unless there is anything repugnant in the subject or context, '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... (emphasis added)

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.

The looseness ("... 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 arbitrariness ("If any police officer ... has reason to believe that an abducted person resides or is to be found in any place ...") of these definitions provoked intense debate in the Assembly. As mentioned earlier, many members were justifiably disturbed by its implications and by the extremely wide powers given to the police to determine exactly who would fall into this category; others drew attention to the significant departures made in this definition from the legal definition of "abduction" (to kidnap; to carry away illegally or by force or deception) and the consequent culpability of the government in a court of law.

Their misgivings were often fully borne out, not only by the actual process of recovery but also by the very impossibility of establishing, beyond reasonable doubt, that the person/woman "recovered" had in fact been "abducted" in the first place. Lists were compiled on the basis of claims filed by the relatives of missing women and sent to those in charge of the recovery operation in either country. These were then verified, if possible, and locating the women invariably required the help of local people. Needless to say, this was not always forthcoming. Kammoben told us that...

... in Patiala, Nabha, Faridkot and other such states in East Punjab, and in Bahawalpur in Pakistan, there were innumerable difficulties in getting the approval and support of the local elders... and organising recovery in Jammu was like trying to chew iron.

Search officers and social workers told us that they used all kinds of tactics to locate and "rescue" the women. "We had to go to far-off villages at all hours," said Kammoben, "sometimes walking for three or four kilometres. We didn't take a vehicle because the local people shouldn't get to know about the arrival of the police." The local police would often tip off families before the search party arrived so that they could remove the women from the premises. If this was not possible, they would be hidden in tandoors or where grain was stored till the police departed. They would then be spirited away to a safer spot. One liaison officer told us:

The operation was a raid in every sense of the word—we did many irregular things, like dipping a police officer under water and keeping him there till he told us where the
women were... sometimes I would slap the women and tell them that I would shoot them if they didn't inform us.\textsuperscript{46}

This was often necessary, he continued, because Pakistan regularly put out "all kinds of false propaganda": the women were told that many of their relatives had been killed and the few who had survived were not likely to take them back. They were also told that there was widespread starvation in India and that a bucket of water was being sold for Rs. 5! Or that they would be handed over to the armed forces for their pleasure as soon as they got back. "It was but natural," Kamla Ben said, "that the women were afraid to return to India."

As we have seen, the circumstances of abduction varied widely, and it was by no means possible to assume that any and every woman located in a home or community was eligible for recovery. Resistance to being thus recovered came not only from their "abductors" but also from women themselves. A common plea was that their liaisons had been made freely and under no compulsion; and indeed, many had taken advantage of the social turmoil to marry men of their choice from outside their community, something that would almost certainly have been disallowed in normal times. The uncorrected formulation in the Bill found its harrowing and messy consequences in implementation throughout the eight years that the programme was in operation, but nowhere was this more disturbing than on the issue of children. Just as leaders were beginning to take in the enormity of the impact of delineating boundaries and dividing people and territories, social workers, too, were faced with the appalling consequences of dividing women "like oranges and grapes" and deciding fortunes on the basis of who fell into which basket. And where did the children belong? With the oranges or grapes?

The two governments had agreed that neither forced conversions nor forced marriages would be recognized by either country. It followed then that children born of such unions would be illegitimate, and for the purpose of the Bill were defined as "abducted persons" if they happened to be born 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 Pandit 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 will look to the interests of the child and will see 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.\textsuperscript{47}

Other members differed. "Our society is different from Muslim society," said Brajeshwar Prasad from Bihar:

My friends 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... 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... \textsuperscript{48}

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. 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? (emphasis added)

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 Honourable 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, government policy in its implementation actively discouraged women from taking their children with them, and pressurised those who were pregnant to have abortions 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 on July 21, 1952. The total number of women recovered from there at this time was 8,206. The reason given by the Honourable Minister for including children in this Bill was that "... in the actual working of the law, our own officers felt that... their (the children's) presence was an impediment in the way of (the women) being taken out..." i.e., mothers would not leave without their children. He added:

If the original (meaning, natal or marital) home is willing to take such children, they are sent to the other Dominion. If they... are not welcome there, other arrangements are made... I have already taken steps to persuade the Pakistan government to introduce similar words in the definition of an abducted person in Pakistan, and I would ask that this very desirable improvement... should be allowed to remain.

The contradictions between the earlier ordinance and the present Bill made for predictable confusion in understanding the scope of the legislation: Hindu fathers should be allowed to assert their right of guardianship, ("for no child born of a man and woman is illegitimate") but children born of Muslim fathers could not be accommodated in "our Hindu society". The definition of an "abducted person" included not only "any female" but also "any male child below sixteen... born before the 1st of March 1947" and "any children born after March 1947 and before 1 January 1949". Upon unravelling, however, the confusing nature of the Debates reveals a curious logic. For one, the concern with male children below the age of sixteen was clearly to do with forcible conversion, rather than sexual transgression. The first ordinance on children in 1948 (referred to by Kamlaben Patel in her interview) was an initial response to the experience of social workers and others, that Hindu families demurred from taking back daughters/wives/daughters-in-law if they had also had other children in the meantime. The ordinance laid down, and implicitly acknowledged, that the child belonged with the father, Hindu or Muslim, and should be left behind in either country. As recovery work progressed, it became clear that removing women without their children was proving intractable and in order to wrest both from their "captors", the children had to be legislated into the definition of "abducted persons" — primarily, we would suggest, to put pressure on the Pakistan government and on those men who were unwilling to let their children go.

The Debates reflect the intrinsic impossibility of legislating the boundaries of identity: were the children to be considered Hindu or Muslim? Illegitimate, because the conversions and marriages were invalid? Wards of their mothers or fathers? They also reveal the disjunction between the letter of the law and the spirit of the legislators. While the Bill called for the repatriation of all women and children who fitted the definition of abducted persons, the preoccu-
pation of several legislators was with maintaining community "purity" and difference, with blood and belonging. More importantly, they underscore the deep ambivalence of the Indian state striving to uphold its secular character vis-à-vis Pakistan, but compelled to secure communitarian interests at home in the aftermath of a division of the country on communal lines.

Secularity, Sexuality and the State

The single most important point about the Abducted Persons (Recovery and Restoration) Bill was that it needed to be legislated at all, since the maximum number of recoveries had been made between 1947-49, before the Bill was introduced in Parliament. Why then was the Indian government so anxious to reclaim women, sometimes several years after their abduction? Why should the matter of national honour have been so closely bound up with the bodies of women, and with the children of "wrong unions"? The experience of Pakistan suggests that recovery there was not so charged with significance nor as zealous in its effort to restore moral order. Indeed, informal discussions with those involved in this work indicate that pressure from India, rather than their own social or political compulsions, was responsible for the majority of recoveries made. There is also the possibility that in Pakistan the community stepped in and took over much of the daily work of rehabilitation, evidenced by findings that the level of destitution of women in that country was appreciably lower. 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.

Notwithstanding the above, 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 itself as a responsible and civilized state, one that fulfilled its duties towards its citizens both in the matter of securing what was their due and in confirming itself as their protector. To some extent, this was mirrored in the refugees' own dependency in turning to the government as its mai-baap (provider) at this time of acute crisis. Organizations 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 recovery of women in its election manifesto in 1951.

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, 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 Punjab from the mid-nineteenth century onwards with the inception and consolidation of the Arya Samaj and the formation of a Punjabi Hindu consciousness, we might begin to discern some elements of its anxiety regarding Muslim and Christian inroads into Hinduness, and the erosion of Hindu dharma, values and lifestyle through steady conversion to those 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 also 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 "usurping" Muslims is chilling), just as earlier the Shuddhi programme of the Arya Samaj, 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 new-born Hindu children was not lost to is­
lation through their repatriation to Pakistan with their moth­
ers, can be seen as part of this concern. Because, in fact, such 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.

The key to understanding the unease surrounding the matter of the children of abducted women lies in the importance regarding the question of legitimate membership—of a family, a community and, ultimately, a nation. The sanctity of all three lay in keeping the boundaries intact, in maintaining difference, and in refusing to allow sexuality to be contaminated by secularity. This is why the forced alliances resulting from abduction could neither be socially acknowledged nor legally sanctioned, and why the children born of them would forever be “illegitimate”. This was also why the “faked” family had to be dismembered by physically removing the woman/wife/mother from its offending embrace and relocating her in the “real” one where her sexuality could be suitably supervised. (It is worth noting that though the legislation in India affected the recovery of Muslim women, the hidden referent was always Hindu women in Pakistan).

The 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 their own Hindu and Muslim countries. By becoming the father-patriarch the state found itself reinforcing official kinship relations by discred­itting, and in fact declaring illegal, those practical arrange­ments that had in the meantime come into being, and were functional and accepted. It was not only because abduction was a criminal offence that it had to be redressed—its offence was also that, through conversion and marriage, it transgressed the prescribed norm in every respect.

The Abducted Persons Act was remarkable for the impu­nity with which it violated every principle of citizenship, fundamental rights and access to justice, and for contravening all earlier legislation with regard to marriage, divorce, custody and guardianship and, eventually, inheritance, not so much to property but, more critically, to membership of a (religious) community. The freezing of boundaries, communal and national, calls for what Julia Kristeva terms “sexual, nationalist and religious protectionism”, reducing men and women, but especially women, to “the identification needs of their originary groups”, and imprisoning them in the “impregnable aloofness of a weird primal paradise: family, ethnicity, nation, race”. The state cannot abscond itself while these negotiations are taking place; for, Kristeva continues,

Beyond the origins that have assigned to us biological iden­tity papers and a linguistic, religious, social, political, his­torical place, the freedom of contemporary individuals may be gauged by their ability to choose membership, while the democratic capability of a nation and a social group is revealed by the right it affords individuals to exercise that choice.

Free choice, freely exercised, is what neither state nor com­munity could allow abducted women in post-Partition In­dia, so much so that it was legislated out. In its desire to restore normalcy and to assert itself as their protector, the Indian state itself became an abductor by forcibly removing adult women from their homes and transporting them out of their country. It became, in effect and in a supreme irony, its hated Other. In its articulation of gender identity and public policy, moreover, the state underlined the primacy of religious identity and, implicitly and explicitly, departed from its neutrality in assigning value to the “legitimate” fami­
ily and community "honour". It did so through a regulation of women's sexuality; indeed, through legislation and 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.

Notes

1 Reports from West Punjab, January–June 1948, India Office Library IOL/L P41f/5/332.
2 Constituent Assembly of India (Legislative) Debates, December 15, 1949, p. 642.
3 Evan Jenkins, Confidential Reports, April 1947, India Office Library R13/1/176. Weekly reports were submitted by the Governor to the Secretary of State for India.
5 Constituent Assembly Debates, op. cit., p. 634.
6 Ibid.
9 Constituent Assembly Debates, op. cit., p. 637.
10 Aparna Basu, op. cit., p. 139. For details on Mridula Sarabhai's involvement in recovery work, see pp. 122–46.
11 The Gandhi Vanita Ashram in Jalandhar was set up after Partition for the rehabilitation of destitute women. Subsequent to signing the Inter-Dominion Agreement on the recovery of abducted persons, it was designated the receiving institution for non-Muslim women recovered from Pakistan; its counterpart in Lahore was Sir Ganga Ram Hospital.
12 Aparna Basu, op. cit., p. 131.
14 Recoveries were temporarily suspended in September 1948 due to "propaganda" against social workers, in general, and Mridula Sarabhai in particular, and the Kingsway Camp in Delhi was closed down. Senior officials in the Indian government objected to Mridula's high-handedness and "non-official" functioning, and tried to bring the entire operation under their control. Recoveries resumed in December 1948. See Avis Kidwai, Azadi ki Chaon Mein (Delhi: National Book Trust, 1990), p. 306; and Aparna Basu, Second Series, Vol. 5 op. cit., p. 134.
16 Quoted in G.D. Khosla, Stern Reckoning, op. cit., p. 75.
11 Report of the Relief and Rehabilitation Section presented at the Indian Conference of Social Work (Delhi Branch), December 1949.
19 Aparna Basu, op. cit., p. 137.
20-26 Constituent Assembly Debates, op. cit.
27 Aparna Basu, op. cit., p. 139.
33 Parker, et al, op. cit., p. 3.
34 Quoted in Parker, et al, op. cit.
35 Benedict Anderson, op. cit., p. 5.
36 Constituent Assembly Debates, op. cit., p. 804.
37 Ibid., p. 799.
38 Ibid., p. 794.
40-41 Constituent Assembly Debates, op. cit.; unless otherwise stated, all quotes in this section are taken from the Debates, pp. 640-44.
42 Deniz Kandiyoti, op. cit., p. 431.
46 Personal interview with K.L. Bindra, Liaison Officer, West Punjab, 1947-49.