

## **Two-Day Indo-French Seminar on 'State Formation, Citizenship and Gender'**

**Organized by  
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The end of the cold war as we all know is marked by a plethora of new identity conflicts. The collapse of the old frameworks has necessitated the reconfiguration, reassertion and redefinition of meanings of nation-state on multiple levels. The idea of the nation-state is supported by the principle of sovereignty, people's sovereignty first, then nation's. Many critics, such as Hannah Arendt and others have pointed to the contradictions between sovereignty and individual freedom. Gender lies at the center of these contradictions. The connections between reassertions of the principle of sovereignty by the nation-state dyad and the increase in the level of violence against marginal groups, among whom we find many women, are startling. From East Africa to South Asia the centrality of gender in reassertions of national identity and conflicts over such reassertions is overwhelming. These events have prompted extensive conversations among scholars on the reinterpretation of questions of state formation, citizenship and agency in the context of gender.

Within the rubric of post-colonialism women's citizenship is often a contentious issue. Women are both citizens and the *other* of the state. In the process of democratic state formation in the West women were for a long time kept out of the body politic. The British Nationality and the Status of Aliens Act of 1914, one of the first of its kind, portrayed that rights of nationality could be transferred only through the male line. Women were considered as subjects or aliens primarily through their association with men. Thus the cases of *Fasbender vs. Attorney-General* in 1922 showed that a female British subject could contract a marriage in good faith during war and lose her British nationality. Thus women were neither full subjects nor foreigners. Even when they were subjects they could lose their nationality through marriage to an alien. Such attitudes would be inherited by the postcolonial state among other things. However, the cases of India and Algeria portray notwithstanding post-colonial impulse the project for national independence gave women certain political space.

The question of 'Justice' has been a nebulous construct in terms of democracy and popular politics, in a post-colonial world, its exact meaning – tenuous; one of the reasons being the fact that justice in reality is a meeting ground of many ideas, situations, concepts, expectations, mechanisms, and practices. Positions of marginality are important locations and grounds to understand how marginalities produce ideas of denial of justice. These marginal situations have one thing in common – they speak of power matrix. Lack of access to means of representation/resources/ survival means such as education, health, etc. creates such marginalities and gender is one such important location of means of denial. State formation, in India as elsewhere rabidly ignored the voices of the marginal showing how a democratic set up empowering the national collective also produces deficits and marginality for those who refuse to belong to it or are left out of it. It was a playground of the dominant – certainly male, definitely majoritarian. The thing to note here is that while constitution has provisions of justice in

its various articles and clauses, unlike in the case of rights, justice does not have a compact formulation, even though the Preamble and earlier the Objectives Resolutions of the Constituent Assembly had justice as one of the founding provisions. The constitution, therefore, needs a responsive and sensitive revision of the concepts of citizenship that is inclusive of all these marginal categories, including gender.

According to feminist writers such as Kumari Jayawardena in the post-colonial developing world for a time feminism and nationalism were compatible and allied and shared similar objectives. During the period of decolonisation, political rights including the right to vote were given to men and women alike. Yet during the process of state formation male-female differences were reinforced. The new states formulated rights and obligations in ways that strengthened the masculinity of the public sphere and the femininity of the private sphere. The male centrism of the Indian state was revealed over the question of abducted women. The partition of the Indian subcontinent in 1947 witnessed probably the largest refugee movement in modern history. About 8 million Hindus and Sikhs left Pakistan to resettle in India while about 6-7 million Muslims went to Pakistan. Such transfer of population was accompanied by horrific violence. Some 50,000 Muslim women in India and 33,000 non-Muslim women in Pakistan were abducted abandoned or separated from their families.<sup>[1]</sup> Women's experiences of migration, abduction and destitution during partition and State's responses to it is a pointer to the relationship between women's position as marginal participants in state politics and gender subordination as perpetrated by the State. In this context the experiences of abducted women and their often-forcible repatriation by the State assumes enormous importance today. The two states of India and Pakistan embarked on a massive Central Recovery Project during which some 30,000 women were recovered by their respective states. Some incidents relating to these abducted women exemplify the politics of gender during partition. The Abducted Person's Bill that legalised the forcible repatriation of women entailed that these women themselves lost agency over their own person. Their voices were often not heard and when heard then not taken into cognisance. This is typical of state attitude to women. This was further reflected in the Indian Citizenship Act of 1955 where registration was largely transferred through the male line.

The male centrism of Indian project of state formation was dramatically reiterated by the Citizenship Act of 1955. As its title suggests the Act dealt with modes of acquiring, renunciation, termination and deprivation of citizenship. Although the Act was meant to give rise to the category of universal citizen in actuality it did not. It continued the gender dichotomy evolved by the colonial state. The section on citizenship by registration stated that "women who are, or have been, married to citizens of India;" were to given citizenship if they applied for it. No such stipulations were made for men marrying women who were Indian citizens. Thus citizenship by registration was largely transferred through the male line. In the section on the termination of citizenship it was stated that where a male person "ceases to be a citizen of India under sub-section (1), every minor child of that person shall thereupon cease to be a citizen of India."<sup>[2]</sup> This portrayed once again that citizenship was transferable largely through the male line giving women a second class citizenship. Although in later Acts women could transfer citizenship rights to their spouses and to their children it did not alter the maleness of Indian State as conceived in the formative years. This Act too entrenched women's location within essentially patriarchal sites such as the family or the community. The one thing that the state consistently refused to consider was a Uniform Civil Code that could have challenged women's location within a kin and a community.

Women's demands for citizenship and other rights and autonomies have taken different forms from the colonial period onwards. It had different focal points at different times. At times it centred on questions of education and at other times on legislative reforms. With every achievement it was revealed that something yet was left to be done. The Indo-French-Algerian discourse on state-formation, gender and citizenship will not stop with the narration of this past history. It will analyse how women negotiated with such apporias and closures that were there in this history and how they created their spaces of empowerment. Women from the three countries will deliberate women's relationship to questions of citizenship, autonomy and justice. This will be the second phase of a dialogue that began in Algeria in 2008. It is hoped that this dialogue will continue for years to come.

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[1] For a scholarly account of gender in the politics of partition refer to Ritu Menon and Kamla Bhasin, *Borders and Boundaries: Women in India's Partition* (Delhi: 1998) and Urvashi Bhutalia, *The Other Side of Silence: Voices from the Partition of India* (Delhi: 1998).

[2] S.C. Consul, *Citizenship Act, 1955, The Law of Foreigners, Citizenship and Passport* (Allahabad: 1962) pp. 179-185.