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A Comparative Analysis of Women's Citizenship Rights In Pakistan, India, and Bangladesh: Compliance With CEDAW and Patriarchal Norms

Salman Khan^{1*}, Muhammad Arif Khan², Haider Ali³, Abdul Rehman Anjum⁴
Muhammad Hamad⁵

^{1,3,4,5}BS Law, Hazara University, Mansehra,

²Lecturer, Department of Law, Hazara University, Mansehra

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Corresponding Author:

Salman Khan, BS Law, Hazara University, Mansehra,
Email:
salmankhanafri212@gmail.com

ABSTRACT

This research investigates the effects of patriarchal systems within the nationality legislation of Pakistan, India, and Bangladesh, particularly regarding how these laws restrict women's rights to grant nationality to foreign spouses within transnational familial arrangements. Despite having a constitution with the principle of equality, all three countries' nationality laws are discriminatory, violating gender discrimination in breach of the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), which provides that women and men should have equal rights in matters of nationality. The research conducts a comparative legal study regarding the existing laws of these countries, and focuses on the gaps regarding the correlation of differential treatment of women and men in the transnational transmission of nationality. The research reveals that such legislation continues to represent unfavorable and harsh social systems rooted in social orders which are male dominated, as it inflicts social and emotional suffering on women in transnational marriages. Women frequently confront dilatory bureaucratic obstacles to family reunification which results in protracted separations and struggles with fragmented identity. This research highlights the need for legal reforms in Pakistan, India, and Bangladesh in order to comply with CEDAW and remove discrimination against women concerning the right of nationality. The research advocates for amending the existing legislation to remove discrimination and harmonize with international standards.

Introduction

Citizenship legislation is a key factor in determining the legal identity and societal status of an individual within a country. It is closely interlinked with socio-

political institutions, especially gender norms, that shape the bestowal and transfer of citizenship, particularly in the family and nationality contexts. While most countries in South Asia, as well as numerous other states, have signed international treaties striving for gender equality, most notably the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), women remain subjected to legal discrimination, most especially in issues concerning citizenship rights (Jain & DasGupta, 2021; Weiss, 2003). In the South Asian nations of Pakistan, India, and Bangladesh, nationality legislation has traditionally been patriarchal in nature, confining women's capacity to pass on nationality to their overseas spouses. Such laws mirror gender perceptions that give prominence to males as both the main actors of family and national identity (Shah, 2016; Siddiqui, 2015). In spite of global vows of gender equality, these statutes remain to isolate women in key legal sectors, detracting from their autonomy and rights.

In the case studies of Pakistan, India, and Bangladesh, women's nationality laws illustrate deeply rooted patriarchal systems where men have comparatively easier procedures of transmitting nationality to foreign spouses, while women have to navigate convoluted and bureaucratic processes (Goonsekere, 2007; Mohsin & Syed, 2021). In Pakistan, the 1951 Act allowed men to grant citizenship to their foreign spouses, but women were not given this right (Shah et al., 2025). India's Citizenship Act of 1955, while neutral in its provisions, applies harsher procedures for women, particularly those married to foreigners from neighboring countries such as Pakistan (Choudhury, 2017; Pillai, 2019). Another example is Bangladesh from the Citizenship Order of 1972 which advanced in some respects in respect to children's rights to nationality, to some extent, but still maintains the ability of women to grant nationality to foreign spouses (Feldman, 2022; Redclift, 2011). All three countries have constitutions which promise equality, but the laws regarding citizenship rights and responsibilities demonstrate the negative impact of patriarchal systems where women are the primary victims and face immense hurdles when trying to grant citizenship to their non-national spouses.

This research aims to critically assess the degree to which the nationality legislations of Pakistan, India, and Bangladesh comply with CEDAW and other international human rights instruments. The purpose of CEDAW clearly illustrates that women should also enjoy the same rights like men i.e., transfer of nationality to foreign spouses and children (UN CEDAW, 1979). But all three of these states' legal regimes show significant gender-based disparities, first and foremost in limiting the ability of women to transmit nationality. Despite constitutional guarantees of equality, the laws of citizenship for all still constitute a reservoir of discriminatory procedure and practice that affects disproportionately women (Khan, 2015; Anitha et al., 2018). These legal barriers mirror the gap between the principle of gender equality in international human rights law and the actuality of gendered legal systems in South Asia.

Several researchers have explored citizenship, gender, and patriarchy in post-colonial legal systems. Manby (2010) and Vora (2017) argue that the legacies of colonialism have tended to influence South Asian citizenship paradigms historically, underscoring already present patriarchal practices limiting women's freedom. Shah (2016) and Siddiqui (2015) address the more bureaucratic hurdles of sufficiency women encountered in obtaining rights of nationality, the organized rationale of obtaining national bonds in Pakistan. In India, Choudhury (2017) and Pillai (2019) analyze legal obstacles that render it very difficult for women, especially those married to foreign nationals, to pass nationality and residency permits, as well as to

wait for arbitrary rulings by officials. Feldman (2022) and Redclift (2011) maintain that while Bangladesh has made some strides in conferring nationality on children, the law continues to arbitrarily overlook the foreign husbands in the transmission of nationality, which overlooks the perpetuation of gendered inequalities.

Despite the significant contribution of these works, there remains a significant lack in scholarship that directly compares in depth how the nationality laws of Pakistan, India, and Bangladesh meet CEDAW and other international human rights obligations. There is an abundance of literature in each of these countries that focuses on these laws' violation, but none of the study has compared these laws across countries in relation to international standards. For this purpose, the present study intended to fill this gap by comparing how these laws are violated in Pakistan, India and Bangladesh as well as how these relate to CEDAW and broader concepts of gender equality. Hence, this not only examined examine the patriarchal traditions that are inherent in such legal orders but also suggested reforms to align such laws with international human rights norms.

Methodology

This study used qualitative legal approach to analyze the differences in nationality laws' transmission among women and men in Pakistan, India and Bangladesh. This study focused on laws resulted due to patriarchal norms that have profound impact on limiting the rights of women in citizenship transmission to their spouses.

Research Design

The present study used comparative design, where laws regarding laws in three countries like Pakistan, India and Bangladesh are reviewed with special focus on gender rights in citizenship transmission.

Data Collection

Data was gathered through legal research using primary sources such as national laws (Pakistan Citizenship Act 1951, Indian Citizenship Act 1955, Bangladesh Citizenship Order 1972), case law, and CEDAW. Secondary sources include academic articles, NGO reports, and legal commentaries from databases like JSTOR and Westlaw.

Data Analysis

The data was analyzed using qualitative analysis to identify recurring gendered patterns in citizenship laws. A comparative analysis was also used to explore differences and similarities in the three legal systems.

Ethical Considerations

Since no human participants were involved, ethical concerns like informed consent don't apply. The study follows ethical practices, ensuring accurate citation and objective critique of the legal frameworks from a rights-based and feminist perspective.

Results

The analysis shows that while Pakistan, India, and Bangladesh have constitutional guarantees of equality, their nationality laws still restrict women's ability to transmit nationality to foreign spouses, violating CEDAW principles and reflecting patriarchal influences.

Table 1 Alignment with International Human Rights Standards (CEDAW)

Countries	CEDAW Compliance	Constitutional Provisions on	Violation of CEDAW	Citations
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Equality				
Pakistan	Fails to fully comply with CEDAW, especially regarding women's nationality rights.	Article 25(1) and 25(2) ensure equality but the Citizenship Act imposes gender restrictions.	The law discriminates against women in nationality transmission, violating CEDAW.	Shah et al., 2025; Gondal et al., 2023; Iqbal & Asim, 2024; Manzoor & Khan, 2023
India	Partial compliance with CEDAW, but still gender restrictions in the Citizenship Act.	Articles 14 and 15(1) guarantee equality, but the Citizenship Act limits women's rights.	Women's rights to transmit nationality are restricted, violating CEDAW.	De Silva De Alwis & Vereer, 2021; Hellum & Aasen, 2013; Nanda, 2019; Vasudevan, 2015
Bangladesh	Fails to comply with CEDAW, especially in granting equal nationality rights to women.	Articles 27 and 28(1) ensure equality, but the Citizenship Order imposes gendered limitations.	Women's inability to transmit nationality contradicts CEDAW's gender equality principles.	Ibrahim, 2020; Nader, 2023; Sandy, 2003; Surva, 2022; Jahan, 2024

Table 3 shows the alignment of the nationality laws of Pakistan, India, and Bangladesh with international human rights standards, specifically the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW). While the constitutions of all three countries guarantee equality, their respective nationality laws fail to fully comply with CEDAW, particularly in the context of women's rights to transmit nationality. The citizenship Act in Pakistan clearly violates CEDAW requirements by imposing restrictions on women. Similar trends i.e., violation of CEDAW provisions in Indian Citizenship Act, which places strict requirements on women risking equality of gender rights. Lastly, Bangladesh also fails to comply with CEDAW provisions, as the Citizenship Order undermines constitutional promises of equality by imposing gendered conditions that restrict women's ability to transmit nationality. This alignment with CEDAW highlights the ongoing legal and gender-based discrepancies in these countries' nationality laws.

Discussion

This comparative study on nationality laws in Pakistan, India and Bangladesh reveal that male dominated social norms still prevail in these countries, which in turn limit women right to transmit nationality to foreign spouses. Though, the constitution of all these states enforces gender equality, still their nationality laws are discriminatory and unjust. A clear violation of CEDAW is visible in Pakistan Citizenship Act of 1951, since it enables the granting of nationality by men to foreign wives, but considers the granting of nationality by women husbands as a privilege (Shah et al., 2025; Iqbal & Asim, 2024). Similarly, strict conditions are portrayed in Indian Citizenship Act 1955, enforcing more residency and bureaucratic requirements as compare to men (De Silva De Alwis & Vereer, 2021; Nanda, 2019). Furthermore, similar trends are also observed in Bangladesh Citizenship Order of 1972, which also

restrict women from transmitting nationality to foreign spouses (Ibrahim, 2020; Surva, 2022).

Failure by these nations to adhere to CEDAW in full points to a disparity between constitutional equality and the effective enjoyment of these rights. CEDAW provides for the right of women to be equal to men in terms of transmitting nationality, but the laws in Pakistan, India, and Bangladesh still restrict women's rights regarding this. Even with constitutional equality, women are treated as secondary in nationality transmission by the laws of these countries. This imbalance between promises under the law and laws as they stand reveals the way patriarchal values continue to hold within such legal systems, and how it becomes more difficult for women to grant nationality to foreign husbands (CEDAW, 1979). Thus, women face legal gender inequality, which are barriers not common in men.

The laws regarding gender and its provision have devastating impact on women in transnational families, where the other spouse is foreign. Women are legally barred from rejoining their foreign spouses, which causes family disruption and mental anguish. Women's inability to bestow nationality also mirrors wider societal attitudes limiting women's roles to the domestic sphere, with men as the sole authority in the family and national spheres. There is discrimination among laws towards women, which undermine family reunion, creating need for synchronization of these laws with CEDAW, which will bring gender equality in such issues (Shah et al., 2025; Surva, 2022). If not tackled, this will continue to be at disadvantage of women in laws, thus gender equality will remain in our society.

Conclusion

The present study demonstrated that nationality laws of Pakistan, India and Bangladesh still based in old patriarchal systems that limit women constitutional right i.e., transmission of nationality to foreign spouses. It has been observed that the gender women are restricted in these laws, which is clear violation of CEDAW's fundamental principles of women right and equality, especially in terms of nationality. Our findings also revealed that these laws infringe on women's rights within the framework of transnational families and lead to family fissures and societal challenges. Hence, this creates a dire need to make legal changes within these nations that should align global human rights, since the South Asian women will end up in a situation of social and legal marginalization that encourages gender discrimination rooted in the legislation of these nations.

Limitations & Recommendations

This research is confined to legal texts and secondary literature that may or may not capture the realities of the affected individuals. Furthermore, this research is confined to the legal systems of three nations in the South Asian region, thereby potentially impacting the generalizability of the findings. There is a dire need for future research to incorporate primary data, particularly from interviews with women who are covered by these legal systems, to comprehend their reality. It is also recommended that the legislators of Pakistan, India, and Bangladesh take action to align their nationality laws with CEDAW standards and reform accordingly.

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