

# A Study on Desertion of Married Women by Non-Resident Indians in Punjab and Andhra Pradesh



NATIONAL INSTITUTE OF PUBLIC COOPERATION AND CHILD DEVELOPMENT  
5, Siri Institutional Area, Hauz Khas, New Delhi-110016



**A STUDY ON DESERTION OF MARRIED WOMEN BY  
NON RESIDENT INDIANS IN  
PUNJAB AND ANDHRA PRADESH**



**NATIONAL INSTITUTE OF PUBLIC COOPERATION AND CHILD DEVELOPMENT**

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## Preface

The problems of women abandoned by non-resident Indian (NRI) bridegrooms is an issue lost amidst myriads of large issues confronting women in India. For policy makers, issues like women trafficking, violence against women, rehabilitation of destitute and providing pre-natal and post-natal care for outweigh this little publicised social problem that is debilitating the social fabric of the country. Cases of women being subjected to cruelty of false marriage, cheating and dowry extortion have increased in proportion to the growing number of Indians emigrating in search of green pastures abroad. Admittedly, the greed of bride's family who see in their daughter a ticket to their El Dorado and comforts of foreign shares makes them easy prey to NRI bridegrooms on prowl.

The phenomenon of women being abandoned by the bridegroom of Indian origin is not really new. In earlier instances it was mostly bigamous marriage entered into by men under family duress to marry within community. The husbands tended to hide their foreign spouse and later abandoned the Indian wife. However, with burgeoning Indian NRI population drawn from different economic and social strata spreading across the globe the problem has become multi-dimensional. The problem has also not been state-specific as most states have been reporting cases of women abandoned by predators disguised as grooms.

Unfortunately, it is the rural and middle class people that often succumb to the temptation of acquiring foreign groom. It is only when the daughters are abandoned that the parents, who have possibly liquidated their assets to help their daughter enter into the so-called marriage wake up and approach the state authorities. The government needs to address the problem by considering suggestions such as marking on the visa marriage status of the person; providing legal assistance and financial aid to women abandoned in foreign shores; liaison with foreign governments to book the grooms in bigamy charge; and to restrain the grant of ex-parte divorce by foreign courts.

It is with a view to understand the problems of abandoned women, its cause and effect and to identify the areas of policy interventions that could help alleviate the problems of deserted married women, that the institute decided to undertake this study in two states viz. Andhra Pradesh and Punjab which have high incidences of young girls and women falling victims to bigamous/polygamous suitors.

Carrying out a study on a sensitive issue such as desertion and abandonment on which people were reluctant to divulge anything was not easy. With no ready solution to offer, the task of encouraging the victims to speak out was ably performed by field investigators - Ms. Satbeer Chhabra, Mr. Yogendra Rai, Ms. Savithanjali and Ms. Prafulla Prasanna Kumari who spent long hours in data collection. I would like to express my deep gratitude to Dr. Adarsh Sharma, former Director of the Institute and Shri K.K. Singh,

former Additional Director of the Institute in initiating the study and providing guidance to the team. I would also like to extend my hearty thanks to Prof. R. Jayasree, Head, Department of Women Studies and Project Consultant who collaborated with the Institute to carry out the study in Andhra Pradesh. The study would not have been possible but for the painstaking efforts of Ms. Satbeer Chhabra, the Study Coordinator at NIPCCD. I also acknowledge the contribution of Dr. Sulochana Vasudevan, Joint Director in the Institute in finalising the outcomes of this study.

A handwritten signature in black ink, appearing to read 'A.K. Gopal', written in a cursive style and underlined.

**(A.K. Gopal)**

Director

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**INTRODUCTION**



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## Introduction

### Rationale

Indian women remain marginalised in decision making by a variety of processes that begin at a very early age within the family. Women have very little say in decisions affecting their own lives, even after marriage. For most Indian women, marriage itself is not a matter of choice. Only a small minority, even among educated women from well-off families, has had any role in deciding when and to whom they will get married. Thus, even in the 21st century women continue to be burdened by their very womanhood. They continue to be suppressed, subordinated and discriminated in numerous ways, and are relegated to second-class citizens.

Violence against women has always remained a part of patriarchal value system combined with the societal mechanism by which women are forced into a subordinate position. Thus it can be said that basically it is a manifestation of unequal power relation. This violence may take place at various levels i.e. within the family, at workplace, at public places and even in the state/judicial custody. The state of Punjab being dominated by patriarchal and feudal values is one of the states, which come under this domain.

Violence is defined as a physical act of aggression of one individual or group against another or others. Violence results in or is likely to result in physical, sexual, psychological harm of suffering. This also includes the threat of such act, coercion or arbitrary deprivation of liberty in public or private life and violation of human rights of women in situation of armed conflicts.

With modernization and urbanization, the violence against women has got increased in many forms resulting in the form of increase in dowry deaths, domestic violence, sexual harassment at workplace, molestation and eve teasing, increase in rape cases, child abuse, bigamy, abandoning of new born girl child and also the declining sex ratio. Violence against women is also getting manifested in the form of rape, sexual abuse, and sexual harassment at workplace, dowry death, suicide, female foeticide and female infanticide, harassment by NRIs to their wives, social violence against widows and psychological and physical violence by alcoholic/addict husbands to their wives.

While the basic reason for violence against women is their lower status in a male dominated society educationally, economically, politically

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and socially, there are other factors too. The increasing criminalisation of society, media images of violence, poor enforcement of legal provision, unabashed, and rising incidents of alcoholism and addiction along with erosion of traditional values have all added to it.

The Government of India has enacted many laws to safeguard the interests of women in India. This has helped to strengthen the woman's position at the workplace. However, ironically, her status in her matrimonial home has deteriorated as there has been no just and effective legal remedy to guarantee her physical safety, her mental stability, her financial and economical welfare and custody of children. The varied forms of domestic violence-mental, economic, sexual abuse and physical abuse continue to be perpetrated against her. Prevention of domestic violence is a burning issue all over the world. Domestic violence is not confined to any one socio-economic, ethnic, religious, racial or age group. It is an issue of increasing concern because it has a negative effect on all family members, especially children. It has been found that children, who witness violence at home, manifest symptoms similar to those who are directly abused.

Desertion of married women by their non-resident Indian (NRI) husbands is an emergent, unique form of violence against women. The

problem of women being deserted by their NRI husbands is particularly significant in Punjab and Andhra Pradesh States in India. What were earlier restricted to isolated cases has now become a major social problem. This problem is not just restricted to Punjab and Andhra Pradesh but encompasses many other States like Haryana, Delhi, Kerala, Gujarat and Maharashtra.

Andhra Pradesh and Punjab states in India have a large number of NRIs working in North America, South America, Canada, Australia, UK and other European countries and the Gulf countries. Most of the NRIs in Punjab belong to medium profile of occupational categories such as skilled / service categories. On the other hand, Andhra Pradesh which is gaining importance in the global market, particularly in the field of Information Technology, is able to send a large number of its population from India to foreign countries specially the USA, Australia and New Zealand which have a professional and high profile background of NRI. Most of these NRI from both the states have a high demand in the marriage market and these marriages are arranged through marriage brokers and advertisements in the press and electronic media. Most of these marriages took place within a short period of time. Hence, bride's parents may not be able to collect full information about the groom's status abroad, and likely to be duped.

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Though desertion of women has been an issue of the forum of women activists and NGOs for the past few decades, their concern is only for the deserted and destitute women belonging to the down-trodden. However, the issues of NRI-deserted women are of recent origin and because of its sensitive nature and family influence, no concerted efforts have taken place. Moreover these women do not speak about the violence/crimes they have been subjected to, because of the social stigma attached to the divorced/deserted women. Besides, they want to protect their family. Hence the majority of the deserted cases were not exposed. In India there is more concentration of NRI population in the states of Punjab, Andhra Pradesh, Gujarat and Kerala as compared with other states. However, the reported cases of desertion of married women by NRIs are more in the states of Punjab and Andhra Pradesh. Since the problem of NRI-deserted women is an important issue of the day and there is lack of data or any major research on this problem, there is an urgent need to collect relevant information on this issue.

The problem is assuming such an enormous magnitude that it has become vital to study it in all its aspects and ramifications: social, cultural, economic as well as legal. The system itself requires a re-look to counter the evil. In this context the National Institute of Public Cooperation and Child Development (NIPCCD) undertook a study on "Desertion of

Married Women by Non-Resident Indians in Andhra Pradesh and Punjab".

Though the States of Punjab and Andhra Pradesh represent the North and South of India having diverse cultural, demographic and socio-economic backgrounds, there is a common concern of problems associated with NRI marriages and desertion of married women. In order to find out the extent and magnitude of the problem of NRI marriages and the related issues of desertion of married women by NRIs the present study was carried out in the states of Punjab and Andhra Pradesh in India. Exploratory study design was used for the investigation.

### **Objectives of the Study**

The main objective of the study was to explore the problems of desertion of married women by non-resident Indians in Andhra Pradesh and Punjab states in India and to suggest suitable strategies to provide justice to the victims of desertion", besides suggesting measures to control the fraudulent marriages".

### **Specific Objectives**

1. To identify the socio-economic background of the NRI-deserted women in Andhra Pradesh and Punjab.
2. To study the marriage patterns and dowry practices in NRI marriages in Andhra Pradesh and Punjab.

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3. To identify the factors leading to the desertion and divorce of married women by NRIs in Andhra Pradesh and Punjab.
  4. Identify the various rehabilitation needs of the deserted women both in terms of psychological counselling, economic support, legal aid, social support etc.
  5. Suggest suitable immigration policies to curb such fraudulent marriages and the jurisdiction for punishment of the offenders.
  6. Suggest legal measures to ensure care and protection of married women and role of parents.

## **Methodology**

### **Universe and Sample**

Andhra Pradesh and Punjab are two major states in India having population of 75 million and 24 million respectively. Andhra Pradesh consists of 23 districts and Punjab is divided into 19 administrative districts. Andhra Pradesh has been divided into three ecological regions viz., costal Andhra, Telengana and Rayalseema. These three regions are diverse in socio-economic development and cultural characteristics. Punjab is the location of one of the world's first and oldest civilizations, the Indus valley civilization. The major cities of Punjab include Amritsar, Jalandhar, Ludhiana

and Patiala. Universe of the present study was the married women deserted by NRIs in Andhra Pradesh and Punjab. For this study purposive sampling procedure was adopted because of the special characteristics of the sample i.e. women deserted by their NRI husbands. Due to the sensitive nature of the issue the researchers faced many hurdles to get at least a minimum required number of deserted women. Though the researchers were able to identify more than 100 deserted women from each state, 50 percent of them and their relatives were not ready to reveal their cases. Finally data could be collected only from 52 respondents from Andhra Pradesh and 50 respondents from Punjab along with few case studies.

### ***Data Collection***

On the basis of the Objectives of the study, a questionnaire was framed to collect the general information from the respondents. Besides, case studies were carried out to collect in-depth information from the respondents who cooperated in the study. In addition to these, information was gathered from the departments of police and judiciary and NGOs regarding the problem and their suggestions for policy matters. Data was also gathered through mailed questionnaire and through internet etc.

More than 150 addresses of NRI-deserted women in Hyderabad and Punjab were collected. These addresses were gathered through (1) State



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Commissions for Women, (2) Family Courts (3) Women Police Station, and (4) Lok Bhalai Party, Ludhiana etc.

With these addresses door-to-door visits were made to locate the respondents to collect detailed information. Besides posted letters, they were contacted through telephones and with the help of NGOs. Information could be collected only from 52 cases in Andhra Pradesh and 50 cases in Punjab, the rest of them were non-cooperative and not responded in the study. Some of them changed their stay/left the place, hence, were not able to be located. A few respondents did not even allow entering their houses for data collection. The information was gathered through direct interview with respondents, and family members.


The study also explored the information from secondary sources such as, civil courts, family courts, police department, State Commission for Women, NGOs from India and abroad, to identify the sample of deserted women. Mailed questionnaire and Interview schedule methods were followed for the collection of primary data and case study method was for in-depth interview from the victims of NRI marriage and

desertion. In some cases the parents or close relatives and friends of victims were also contacted and information was gathered through them. Information was also gathered from case histories of courts and reported cases from the police protection cell and social activist group like Lokh Bhalai Party in Punjab and few NGOs working for violence against women among South Asian Women in US like Manavi, Sakhi etc.

### ***Limitations of the Study***

A lot of difficulties were faced while undertaking this study due to the sensitive nature and the confidentiality of the issue. To begin with, identifying the respondents (NRI-deserted women) itself was a difficult task. Since most of the cases were under trial and confidential in nature the officials were helpless to reveal the matters. Moreover, the victims and their family members were so scared that they were not ready to reveal anything. They were always threatened either by the in-laws of the victim women or by police officials. Finally it was possible to collect information only from 50 families of Punjab and 52 from Andhra Pradesh.





**CONCEPTS OF MARRIAGE, DIVORCE,  
NON RESIDENT INDIANS,  
DESERTION AND VIOLENCE AGAINST WOMEN**



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# **Concepts of Marriage, Divorce, Non Resident Indians, Desertion and Violence against Women**

## **MARRIAGE AND DESERTION**

Since the present study is on desertion of married women by NRIs, it is appropriate to analyse a brief account of the concept of marriage, concept of non resident Indians, laws related to marriage and divorce and desertion under different religions in India and the violence of women associated with dowry and related aspects.

### **The Concept of Marriage**

Marriage is a culturally approved relationship that legitimises a sexual and economic union, usually between a man and a woman. There are many definitions of marriage as there are many cultures and legislatures. Marriage is considered to be one of the most important events in a person's life.

According to William Stephen's, marriage is a socially legitimate sexual union, beginning with a public announcement, and undertaken with some idea of permanence, with a more or less explicit contract, which spells out the reciprocal rights and obligations between the spouses and their future children. According to this definition, there are four basic components

that go together to create a marriage: social legitimising, public acknowledgement, an assumption of permanence, and reciprocal rights and obligations. Marriages in almost every culture of the world, both pre literate and modern, appear to have most of these basic components.

Marriage can also be defined as a culturally approved relationship of one man and one woman (monogamy), of one man and two or more women (polygamy), in which there is cultural endorsement of sexual intercourse between the marital partners of opposite sex and, generally, the expectation that children will be born of the relationship ("polygamy" is the term that subsumes both polygamy and polyandry).

Since marriage is the stepping stone in family life, its incompatibility leads to desertion and divorce. In India universality of marriage is a social norm. According to Bob and Margaret (1962), marriage is one of the three great events in life-along with the birth and death. Birth just happens and death is largely beyond our control. Marriage however, can be influenced.

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## Recent Trends in Marriage

In India there are certain traditional norms, which prescribe to the parents of girls as well as boys their responsibilities in getting their children married. Marriage was treated as an alliance between two families rather than a mere union of two individuals. In selecting a bride, the parents of the groom certainly consider such things as the girls family background, economic position, general character, family reputation, the value of the dowry, the effect of alliance on the property and other family matters (Kurian, 1974). Greater emphasis was placed specifically on the characteristics of fitness and adjustability of the bride in the joint family. Hence it is only logical for the parents to assume the responsibility of selecting spouses for their sons because the bride was part of the whole family environment rather than a wife only to her husband.

Over the years, all the social institutions in India have undergone constant and gradual change and modifications. Although the family is the most conservative institution only next to religion, it has not remained untouched by the process of modernisation.

Traditionally two major principles that govern mate selection are exogamy and endogamy. The former prescribes an individual to marry within a particular group while the

latter encourages one to marry outside a certain group. The eligibility of a mate is influenced by geographical, social, cultural, demographic and biological factors. To what extent these marital restrictions are adhered to depends largely on the rigidity and flexibility of the prevailing social stratification.

Due to the increasing education and other factors, traditional family structure in India has drastically changed from joint family to nuclear family and changes within the family system. However, the decision-making power of women has not yet changed as expected, nor do they can take independent decision on matters related to their marriage practices. At the same time industrialisation urbanisation, modernisation and the recent development in information technology has resulted in drastic change in the pattern of selection of mate, and allows some freedom to the younger generation for their marriage.

The chasm between rigidity and flexibility has narrowed down to the endogamous and localised marriages. Due to the impact of globalisation international marriages are also not uncommon.

International marriages require a drastic change of residence for one partner, usually the women. It is often said that women make most of the adjustments in marriage, especially when

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they move to another country. The partner who moves geographically must change personally as well. The problems of any immigrant confront the foreign spouse-learning to speak and write a new language, to liking new foods and sports, to understanding new customs and values.

### **The Law Relating to Marriage and Divorce**

India is complex and her people are so different in terms of language, caste, customs and beliefs that it is difficult to make generalisations about family life and marriage. Family relations in India are governed by religious Personal Laws. Personal Laws are often referred to as Civil Laws, but in India they are associated with religious communities: Hindu, Muslim, Christian and Parsi, each have their separate Personal Laws, which are governed by their respective religious Laws in matters of marriage, divorce, succession, adoption, guardianship and maintenance. In the laws of all these communities, women have fewer rights than men in corresponding situations. That in itself is not surprising since religions in every part of the world tend to discriminate against women, and religious Personal Laws discriminate against women. In this context a review of social-legal aspects of the marriage of various religious groups needs to be analysed to find out the various dimensions of married women and desertion.

### **Hindu Marriage and Divorce**

Marriage under the Hindu Law was primarily and essentially a sacrament in which a wife is declared to be half the body of her husband (*Ardhangni*) equally sharing the fruits of pure acts, and the husband is regarded by the wife as God.

The implication that follows from the Hindu concept of marriage is that it created an in-dissolvable tie between the husband and wife. The ideal of Hindu marriage, that it is a sacrosanct, continues to be so, even after the enactment of the Hindu Marriage Act, 1955, since it is not inconsistent with any provisions of the law. The Act has simply laid-down certain conditions for a Hindu marriage. A Hindu marriage under the Act must be solemnised in accordance with the customary rites and ceremonies of at least one of the parties thereto and must fulfil the conditions prescribed for the same. Monogamy has been made a rule non-observance of which makes the marriage a nullity.

Marriage is an indispensable event of Hindu life and the person who is unmarried is considered unholy. From the religious point of view, the unmarried remains incomplete and is not eligible for participation in some social and religious activities. Marriage is indissoluble and except in a very few exceptional cases the importance of marriage transcends not only the

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entire family but also the past ancestral time as well as the future generations (Altekar, 1962; Kapadia, 1966).

### **Divorce in Hindu Textual Law**

Divorce was unknown to the Hindu Textual Law but custom and usage recognised it in certain communities and remarriage was also permissible. A decree for divorce puts an end to the status of the parties as married persons and either party after such a divorce is competent to remarry because the prior marriage, having been dissolved, is no impediment to such remarriage.

### **Changes Made by Hindu Marriage Act, 1955**

The Act effected radical changes in the law of marriage of Hindus. It brought about uniformity in the Hindu law of marriage, abrogated the value of customs except in specified cases and conferred on parties certain rights of divorce, judicial separation etc. which were unknown in the old Hindu Textual Law.

### **Change in Law brought about by the Marriage Laws (Amendment) Act, 1976**

The change brought about by the amending Act is revolutionary in character and it has made the law of divorce in India more speedy and liberal but at the same time the basic idea of reconciliation between parties has been kept alive.

The most important changes brought about by Marriage Laws (Amendment) Act, 1976, are introduction of new section 13B, i.e. divorce by mutual consent and 21B, special provision relating to trial and disposal of petitions under the Act. Section 13B provides for divorce by mutual consent of both the parties to marriage. This provision has been given retrospective effect and is applicable to marriages whether solemnised before 27th May, 1976, the date on which the Marriage Laws (Amendment) Act, 1976, became effective or thereafter.

Before Marriage Laws (Amendment) Act, 1976, desertion was only a ground for judicial separation under section 10(1)(a), but now it has been made a ground for divorce as well. The language of section (10)(1)(a) as it then existed has been introduced in section 13 of the Act providing for divorce. The desertion for a continuous period of not less than two years immediately preceding the presentation of the petition is now a good ground both for judicial separation and divorce.

### **Christian Marriage**

On the other hand Christian culture intends marriage to be a lifetime commitment between a man and a woman. Marriage is not just a social convenience or an invention for living together. It is ordained by God and patterned to reflect the loving relationship between Christian and its



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Church. Marriage partners are considered equal but with distinctly different responsibilities.

*Marriage to be solemnised according to Act:* Every marriage persons, one or both of them is or are a Christian or Christians, shall be solemnized in accordance with the provision of the next following sections and any such marriage solemnized otherwise than in accordance with such provision shall be void.

*Person by whom marriages may be solemnised:* Marriage may be solemnised in India:

1. By any person who has received Episcopal ordination, provided that the marriage be solemnised according to the rules, rites, ceremonies and customs of the church of which he is a Minister.
2. By any clergyman of the Church of Scotland provided that such marriage be solemnized according to the rules, rites, ceremonies and customs of the Church of Scotland.
3. By any Minister of Religion licensed under this Act to solemnise marriages.
4. By or in the presence of a Marriage Registrar appointed under the Act.
5. By any person licensed under this act to grant certificates of marriage.

*Licensing of persons to grant certificates of Marriage between Indian Christians:* The State Government may grant a license to any Christian, either by name or by holding any office for the time being, authorizing him to grant certificates.

Any such license may be revoked by the authority by which it was granted, and every such grant or revocation shall be notified in the official gazette.

*Time for solemnising marriage:* Every marriage under this Act shall be solemnised between the hours of six in the morning and seven in the evening.

*Exceptions:* Provided that nothing in this section shall apply to:

1. A Clergyman of the Church of England solemnising a marriage under a special license permitting him to do so at any hour other than between six in the morning and seven in the evening, under the hand and seal of the Anglican Bishop of the Diocese or his commissary, or,
2. A Clergyman of the Church of Rome solemnising a marriage between the hours of seven in the evening or six in the morning, when he has received a general or special license in that behalf from the Roman Catholic Bishop of the Diocese or Vicariate in which such marriage is so

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solemnised, or from such person as the same Bishop has authorised to grant such license or,

3. A Clergyman of the Church of Scotland solemnising a marriage according to the rules, rites, ceremonies and customs of the Church of Scotland.

*Place for solemnising marriage:* No Clergyman of the Church of England shall solemnise a marriage in any place other than a church where worship is generally held according to the norms of the Church of England, unless there is no such Church within a distance of five miles by the shortest road from such place.

*Fee for Special licence:* For such special license, the Registrar of the Diocese may charge such additional fee as the said Bishop from time to time authorize.

### **Marriage of India Christians**

*On what conditions marriages of Indian Christians may be certified:* Every marriage between India Christians applying for a certificate, shall, without the preliminary notice required under part III be certified under this part, if the following conditions can be fulfilled, and not otherwise.

1. The age of the man intending to be married shall not be under twenty one years and age

of the women intending to be married shall not be under 18 years.

2. Neither of the persons intending to be married shall have a wife or husband still living.
3. In the presence of a person licensed under Section 9, and at least two credible witnesses other than such person, each of the parties shall say to other.

### **Muslim Marriage and Divorce**

As in Hindu and in Christian Cultures, in Islam also marriage and husband-wife relationship are given great importance. Islam gives supremacy to the husband. The wife is expected to be the subordinate and she should accept that her husband is superior because he has to spend part of his wealth on her and take care of the financial burden of their children. To ensure harmony in the family she is expected to show not only love and care but also sincerity, obedience to her husbands. Islam permits a man to have more than one wife but the permission is on the condition that he should treat all the wives equally (Suka Joshua, 2001).

Since Muslim women in India are governed by their personal laws, allegedly based on “Shariat” and other laws of the land advocated to be secular in conception and nature, the true legal status of Muslim women can be

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determined if the combined effect of both is looked into. Law is an important instrument to determine the legal status of women in any society.

Muslim being minority in India, are sensitive and very keen to maintain their religious and cultural freedom and identity. Muslims have the belief that their temporal laws are based on religious doctrines, hence law and religion are interwoven and both cannot be segregated. They feel that faith and other extraneous considerations have preconceived biased notion, and they cannot do justice to any such legislative activity, without taking into confidence the Muslims and that it amounts to interference with Muslim personal laws. Due to this apprehension, Muslim politicians, leaders of different Muslim organisations and Ulema are opposed to bring any reform and this has resulted in the perpetuation of deviated, distorted and mutilated Muslim personal laws.

**Marriage:** The Muslim law of marriage is said to be the reformed shape of pre-Islamic law of marriage in Arabia. For a better understanding of the Muslim law of marriage it is useful to have knowledge of the pre-Islamic law and practices of marriage. Islam did not repeal the entire customary law of Arabia. It only repealed such customary laws which were inconsistent with the Quranic injunctions and the commands of the Prophet Mohammad or

those which were opposed to the principles of sound reason and good conscience. Muslim law includes many rules of pre-Islamic customary laws which have been approved by the Quran and Hadith in an express or implied manner.

**Divorce:** In pre-Islamic, era divorce was easy and of frequent occurrence and this tendency has persisted to some extent in Islamic law. The power of divorce possessed by the husband was unlimited and unrestricted. His power in this connection was absolute and he could divorce his wife for any cause which was unacceptable to him. There were no checks to an arbitrary and capricious use of his power as he could do so without assigning any reason or observing any procedure. A husband could discard his wife at a moment's notice. Divorce, of course, was a matter of few words. It is laid down in the renowned commentary Tafsir-e-Abmade that an Arab could pronounce "talaq" ten times and contract fresh alliance of marriage with his wife every time. He could revoke the divorce and resume conjugal relation at any time. In some exceptional cases, both among the Arabs and Jews, wives of noble families would, before marriage, reserve to themselves the power to divorce themselves from the husband and they exercised that power and pronounced separation by merely changing the position of their tent which conveyed sufficient intimation of the fact to the repudiated husband.

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From the foregoing discussions, it is evident that prior to the advent of Islam the customary regulation among the pre-Islamic Arabs concerning the women were uncertain and in a state of transition; no rule of humanity or justice in the treatment of women existed. Thus, in pre-Islamic Arabia undesirable customs were prevalent which tended to degrade the morality of the Arabs and conditions of women.

### **Sikh Marriage Ceremony**

The Sikh marriage is not merely a physical and legal contract but is a holy union between two souls where physically they appear as two individual bodies but in fact are united as one. The Sikh marriage ceremony is also known as *Anand Karaj* (“blissful union”). *Anand Karaj* consists of the couple revolving around Shri Guru Granth Sahib four times as the Lavan (Marriage hymns) are being recited. Revolving is the sign of making commitment with the Guru as a witness. In addition, revolving signifies that Guru is the centre of the couple's life and springs life and the understanding of the journey of the soul crossing this world to be one with God. In the marriage ceremony, Shri Guru Granth Sahib represents the core while the congregation (Sadh Sangat) represents the support.

According to Sikhism, when a girl attains maturity, it is incumbent upon her parents to

look for a suitable match for her. It is neither desirable nor proper to marry a girl at tender age. The daughter of a Sikh should be given in marriage to a Sikh. If a man is a believer in Sikhism, is humble by nature, and earns his bread by honest means, matrimony may be contracted with him without a question and without consideration for wealth and riches. Sikh marriages are usually arranged. The people from other cultures do not always properly interpret the word 'arranged'. An arranged marriage does not mean forcing a boy or a girl into wedlock of parents' choice only. It is agreeing to marriage proposed by mutual discussion between the boy and the girl on one side and his and her parents and relatives on the other. This is in fact selecting the right partner with the approval of all. Most importantly the boy and girl themselves must get to know each other to convey their consent to their parents.

The Sikh marriage is monogamous. In the case of broken marriage, divorce is not possible according to the Sikh religious tradition. The couple can, however, obtain a divorce under the Civil law of the land. Marriage, in Sikhism, is regarded as a sacred bond in attaining worldly and spiritual joy.

### **DEFINITION OF NON-RESIDENT INDIAN**

A non-resident Indian (NRI) is an Indian citizen who has migrated to another country.

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Other terms with the same meaning are overseas Indian and expatriate Indian. For tax and other official purpose, the government of India considers any Indian national away from India for more than 180 days in a year is an NRI. In common usage, this often includes Indian-born individuals who have taken the citizenship of other countries.

In simple terms, an NRI is a person who is not resident in India. It does not, however, follow that a person's residential status keeps changing whenever he goes abroad and irrespective of the duration of his journey outside India. For a proper appreciation of the term 'NRI', therefore, one has to turn to Section 2(p) of FERA. Foreign Exchange Regulation Act defines an NRI as an Indian citizen who stays abroad for employment, business or vacation for any other purpose in circumstances indicating an indefinite period of stay outside India.

Other examples of NRI are, Indian citizens working abroad on assignments with foreign Governments/Government agencies or international/regional agencies like the United Nations Organisation (UNO) (including its affiliates), the International Monetary Fund (IMF), the International Bank for Reconstruction and Development (IBRD), the World Health Organisation (WHO) etc. Officials of the Central and State Governments

and Public Sector Undertakings deputed abroad on temporary posting are also regarded as NRIs.

Thus Indian citizens who proceed abroad for higher studies, short business, visits, training, medical treatment etc. are treated as resident in India even during their temporary absence from the country. NRIs become residents of the country only when they return to India for permanent stay. They continue to remain NRIs on their visits to the country during vacations.

### **Indian Americans**

Indians in the USA constitute one of the largest groups from Indian Diaspora, numbering about 1.7 million, and are also probably the most well-off. Their median income is 1.5 times that of the host country. They are well represented in all walks of life, but particularly so in academia, information technology and medicine. There were over 4000 PIO professors and 33,000 Indian-born students in American universities in 1997-98. The American Association Physicians of Indian Origin boasts a membership of 35,000 (in 2000). Fortune magazine estimated the wealth generated by Indian Silicon Valley entrepreneurs at around \$ 250 billion.

There appear to be class differences within the Indian American community, with earlier

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professional immigrants looking down upon working-class communities who are later first generation immigrants. Gujarati shopkeepers and Punjab cab drivers are common stereotypes of the latter community.

Indian Americans are targets of considerable racism, though it is slowly dissipating. Much of it is invisible, such as the near zero representation of television. Some of it is overt, perhaps the worst example being the New Jersey dot busters-groups of thugs who sought ethnic Indians and mugged them or attacked their property in the late 80s and early 90s, the “dot” referring to the bindi worn traditionally by Hindu women on their forehead. Perhaps the tendency of some Indian Americans to retain a strong cultural identity and socialise within their own community and the reluctance to integrate into mainstream society contributed to the problem.

### **Indians in the UK**

The Indian emigrant community in the United Kingdom is now in its third generation. As an immigrant group, people of Indian origin have been remarkably successful.

Stereotypes about Indians have now moved from their being bus conductors, waiters, and small shopkeepers to their being doctors, lawyers, accountants and successful business people. Increasingly, the second and third

generation of Indians has started inter-marrying with the rest of the population, to the point where this has in itself become a stereotype.

In a few local areas, ethnic tension has resulted in ill-feeling and racist violence against immigrants, and groups such as the British National Party have exploited this. However, in general, racism towards people of Indian origin has greatly reduced from the early days of mass immigration after partition and the expulsion of the Ugandan Asians. Islam is one of the fastest-growing religions in the UK, to a large extent because of immigrants from the subcontinent.

### **Indians in the Middle East**

There is a huge population of Indians in the Middle East, specially in the oil-rich monarchies neighbouring the Persian Gulf. Most moved to the Gulf after the oil boom to work as labourers and for clerical jobs. However, a significant minority are either employed in the highest echelons of major bands and corporations or have prospered greatly through conducting business in the region. However, Indians in the Gulf do not become citizens. They retain their Indian passports since the countries in the Gulf do not provide citizenship or permanent residency. One of the major reason Indians still like to work in the Gulf is because of the tax-free income it provides and its proximity to India.

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## DESERTION

Desertion means to abandon, leave or run # away. Deserted women are a group of women who have been abandoned or left out by their husbands after marriage without any time limitation. The period of marital life among the deserted women varies from a few days to many years. The reasons for desertion are many. However, the most important reason for desertion of women irrespective of their socio-economic, religious, and cultural status are the extramarital relationship or bigamy of husbands. Moreover, demand of excess dowry after marriage and ill treatment of wives without any reason also leads to desertion.

This study being on “desertion of married women”, it is important to highlight the laws related to desertion. The following pages discuss the laws related to the desertion discussed by Sagar Chand Jain in his book, *The Law Relating to Marriage and Divorce (1986.)*

Desertion means the intentional permanent forsaking and abandonment of one spouse by the other without the other's consent and without reasonable cause. It is a total repudiation of the obligation of marriage. In view of the large variety of circumstances and modes of life involved, the courts have discouraged attempts at defining desertion, there being no general principle to all cases.

Desertion is not the withdrawal from a place but from a state of things, for what the law seeks to enforce as the recognition and discharge of the common obligations of the married state, the state of things may usually be termed, for short, the home. There can be desertion without previous cohabitation by the parties, or without the marriage having been consummated. The person who actually withdraws from cohabitation is not necessarily the deserting party. The fact that a husband makes an allowance to a wife whom he has abandoned is no answer to a charge of desertion. The offence of desertion is a course of conduct which exists independently of its duration, but as a ground for divorce it must exist for a period of at least two years immediately preceding the presentation of the petition or where the offence appears as a cross-charge of the answer. Desertion as a ground of divorce differs from the statutory ground of adultery and cruelty in that the offence founding the cause of action of desertion is not complete, but is inchoate, until the suit is instituted. Desertion is a continuing offence.

“For the offence of desertion, so far as the deserting spouse is concerned, two essential conditions must be there, namely: (i) factum of separation, and (ii) the intention to bring cohabitation permanently to an end (*animus deserendi*). Similarly two elements are

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essential so far as the deserted spouse is concerned: (i) the absence of consent, and (ii) absence of conduct giving reasonable cause to the spouse leaving the matrimonial home to form the necessary intention aforesaid. Desertion is a matter of inference to be drawn from the facts and circumstances of each case. The inference may be drawn from certain facts which may not, in another case, be capable of leading to the same inference; that is to say, the facts have to be viewed as to the purpose which is revealed by those acts or by conduct and expression of intention, both interior and subsequent to the actual acts of separation. If, in fact, there has been a separation, the essential question always is whether that act could be attributable to an animus deserendi. The offence of desertion commences when the fact of separation and the animus deserendi co-exist. But it is not necessary that they should commence at the same time. The de-facto separation may have commenced without the necessary animus or it may be that the separation and the animus deserendi coincide the point of time; for example, when the separating spouse abandons the matrimonial home with the intention, expressed or implied, of bringing cohabitation permanently to a close”.

### ***Factum of Separation***

One of the essential ingredients of desertion is separation of one spouse from another and

there can be no desertion while the parties are living together. In certain cases there may be desertion, although husband and wife are living in the same house, if there is such a forsaking and abandonment by one spouse of the other that the court can say that the spouse had ceased to be one household and become two households. Desertion as a ground of divorce differs from the statutory grounds of adultery and remains inchoate, until the presentation of the petition, however long might have been the period of previous desertion. To compute the statutory period of 2 years separation, it is not permissible, if the period is broken, to add the broken periods together so as to make a sum of two years.

Even living together of spouses for a very short period as husband and wife, during two years preceding the presentation of a petition of divorce on the ground of desertion, defeats the petition. The separation of two years should be continuous and uninterrupted.

Two years of desertion must be immediately preceding the presentation of the petition. A petition filed before the expiry of this statutory period has to be dismissed as premature. If the wife lives with the husband for one or two nights in pursuance of the order of the court in reconciliation proceedings or in pursuance or warrants under section 97 Code of Criminal Procedure, it does not wipe out the earlier desertion by the husband.



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***Intention to bring cohabitation permanently to an end (animus deserendi)***

The question of desertion cannot be decided by merely enquiring which party left the matrimonial home. The husband may well live in the place but make it absolutely impossible for the wife to live there and if in that state of things the wife leaves the matrimonial home, it can legitimately be held that it is the husband that has deserted the wife and not the other way round. In case a spouse is forced by the conduct on the other to live separately or to stay away, desertion would not be attributed to the spouse who lives separately or stays away for the simple reason that the said situation has been brought about by the act of the person who was guilty of misconduct.

Desertion must be a voluntary act by the other party. If the husband throws out the wife and closes the door of his house to her, in no way does it imply that wife has deserted her husband.

In dealing with human relation one has to keep in view the fact that social position of an abandoned woman is quite inferior in Indian society. Moreover, the wife does not ordinarily abandon the husband. Young girls seldom leave the society of the husband unless forced to do so. All the ingredients of desertion should be proved.

In order to establish desertion, the petitioner must show that the separation of the respondent is against the wishes and without the consent of the petitioner. A separation, however long with consent or acquiescence of the petitioner, cannot constitute desertion for the purpose of a decree for divorce, or judicial separation. The conduct of the parties may be looked at to find out if the opposite party has actually withdrawn from cohabitation and if so, the inference of desertion may be properly drawn. It is necessary for the husband to make offer to his wife to resume marital life. If wife unreasonably refuses to accept offer of husband, court can infer animus deserendi on her part.

If the husband is less educated than wife and is earning less than her, she may have superiority complex and give rise to conditions of cruelty and possibility of deserting him, although it is not true in each and every case. The withdrawal from the society of the husband may be real or physical but without any intention to shun his company, in that case she cannot be held guilty of desertion.

A husband or a wife cannot claim divorce or judicial separation if desertion is by him or her even if a marriage has irretrievably broken down. No relief can be given to such a party as nobody can take the benefit of his or her own wrongs. Such relief is available in England

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where the theory of 'No Faculty, Divorce' is prevalent under Divorce Reforms Act, 1969.

This is very unfortunate that our matrimonial law is based on doctrine of matrimonial offence and divorce is for a real matrimonial wrong. There is no provision in the Hindu marriage Act, that a marriage which is broken down irretrievably should be dissolved.

## **VIOLENCE AGAINST WOMEN**

Gender-based violence is clearly based on unequal power relations between men and women. Violence against women is widespread, though its forms are shaped by the particular cultural context.

The United Nations Commission on the status of women, defines violence against women to include “any act of gender-based violence that results in or is likely to result in, physical, sexual or psychological harm or suffering to women” (Economic and Social Council 1992). The definition is understood to encompass, but not be limited to physical, sexual and psychological violence occurring in the family and outside it. Gender-based violence, including wife-beating, rape, sexual abuse and dowry-related murder is widely prevalent in India. Dowry harassment is a form of violence against women.

The traditional concept of dowry in the Indian context was the practice of giving

married girls their share of parental estate in the form of 'Streedhan'. In recent times, however, certain malpractices have been seen in the social mores, with cases coming to light wherein dowry has been seen as a means of accumulating wealth at the cost of the bride's parental family. In the year 2002, the national crime record bureau registered 1878 cases under the Dowry prohibition act and 794 incidents of dowry deaths. The dowry prohibition act was enacted as early as 1960 and government has made various measures such as setting up of women's cell in police stations, recruitment of more women police officers, sensitization of police personnel, media campaigns for generation of public awareness etc. to curb the practice of dowry but its impact is far beyond expectation.

The modernisation of tradition from 19th century onwards did not help to improve things till date. Custom is still the same and the constitutional rights and privileges have been able to create only an illusion of equality, liberty and dignity of women (Srivastava SP). Discrimination, degradation and drudgery depict the deplorable situation of women. The changing social structure, instead of controlling gender violence, has helped in institutionalising women values and belief systems.

***Domestic violence:*** Domestic violence encompasses diverse forms of women's abuse

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in India. A very large part of the domestic violence is treated as strictly private affair, an affair to be settled informally and through non-formal measures. Therefore, there is no authentic national account on domestic violence. Dehumanisation is a fact of life for millions of women and girls in rural and urban households in India.

Why do Indian women suffer domestic violence in silence without making necessary noises and complaints to the police? The honest answer to this question is that majority of them are placed in a situation of utter helplessness. They continue to live in abusive marital relationship on account of absence of any alternative support system.

The oppression, borne by Indian women, was intolerable until the 19th century. During this time, the British and the great Indian social reformers set the stage for vast improvements in every aspect of the lives of these oppressed women. Some of the customs and practices, which were banned, are sati, female infanticide, child marriage and the prohibition on widows to remarry. The constitution of India, adopted on 26th January 1950, provides for equal rights for women and men and equal voting rights for women. This right of women suffrage is something that women even in advanced Western countries have had to struggle for.

The Government of India has enacted some laws to safeguard the interest of women in

India. This has strengthened the woman's position at the workplace because of labour laws legislation. However, ironically, her status in her matrimonial home has deteriorated as there has been no just and effective legal remedy to guarantee her physical safety, her mental stability, her financial and economical welfare and custody of children. Acts, such as mental abuse, economic abuse, sexual abuse and physical abuse constitute domestic violence.

The devastating effects of domestic violence in India and the Government's indifference towards the increase in domestic violence compelled women activists to prepare a model bill on Prevention of Domestic Violence. They submitted the same to the Government of India in 1994.

The Bill defined domestic violence as an act, omission or conduct, which is of such a nature as to harm or injure or, has the potential of harming or injuring the health, safety or well being of the person, aggrieved, or any child in the domestic relationship and, includes physical abuse, sexual abuse, verbal and mental abuse and economic abuse.

The Government's Bill proposes that an offence shall be considered as domestic violence, only if it is habitual. The bill was argued on the contention that the very definition of domestic violence in the Bill was inadequate

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and backward. The draft ignored the definition of domestic violence, as detailed in all international treaties, to which India is a signatory. Instead, it was left to the discretion of the judge to decide what constitutes domestic violence.

The Government's Bill is also restricted only to the victims who fall under the expression 'valid marriage'. Thus, this Bill excludes protection to women who are tortured or harassed before marriage or, women who are second wives, who cohabited without legal documents to prove their marital status. They may have been duped into so called legal marriages, which do not hold up in a court of law.

### **Violence Related to Dowry**

The term, “dowry” as a quantifiable offering in a marriage does not have its roots pertaining solely to the Indian culture. It has been noted as customary in early 12th century Europe and was also reflected in European fairy tales and literature making references to a woman's “dowry” as offerings of a “straw mattress”, a “wooden stool” or “farm animals”. The exchange and amount of “money” for a dowry depended on the relative status of being a rich or poor woman. Monetary exchanges also had the function of preserving the aristocracy as a class and having marriages arranged as a

means of cultural and economic determination.

It is ironic that in India dowry was originally designed to safeguard the woman and it was the provision of “Streedhan” (“Stree” meaning woman and “dhan” wealth) in the form of money, property or gifts given solely to the woman by her parents at the time of her marriage. “Streedhan”, an inheritance was meant to exclusively belong to the woman at the time of her marriage. The abuse of this custom negated the original meaningful function of dowry as a safety net for the woman, and degenerated to become the price tag for the groom and consequently the noose for the bride.

In India not only was there an apparent increase of dowry-related deaths from kitchen fires but other covert forms of related oppression also sprouted. Some of these led to psychological torture, suicides and murder of married women, desertion by their husbands, rampant abortion of female foetuses, and poor families resorting to female infanticide for fear of their inability to provide dowry.

In spite of the Indian Government banning practices of dowry harassment, extortion and demands through its provisions of the Dowry Prohibition Act, as a preventive means to abolish dowry deaths, the social evil (of dowry deaths) continues.

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## Isolation

Keeping women in isolation is another form of violence faced by NRI wives in America. They are restricted to call home of their parents, no letters or access to the mailbox. Some men have even resorted to not providing money or food for their wives and forcing them for abortions or abusing them during pregnancy to try to abort the female foetus. The fear of isolation also prevents women from speaking out. Many women have lost the support of their communities because of the step they have taken to end abusive home situations.

## Desertion Related Violence

The menace of NRI grooms deserting their legally wedded wives is rampant in India irrespective of regional, religious, caste and other socio-economic background. Instances of desertion and domestic violence against women married to NRIs are on the rise, says the Delhi Commission for Women (DCW). The Commission has received more than 10 cases since the beginning of this year (*Times City*, April, 2005). According to Chairperson of DCW, Kiran Walia “It does not matter whether the women are from progressive, educated families or from lower middle class ones; domestic violence is all pervasive and is on the rise among NRI mates”.

The opinion of the then DIG of Police, Hyderabad Ms. Anjana Sinha was also the same. According to her, more than 500 NRI cases were registered in her office (Women's Protection Cell, Hyderabad) for a period of seven months in 2004, ever since she took over charge.

In above context, Shri Harbhajan Singh Mann speaks up for brides dumped by NRIs in Punjab. Mann said, Police stations in Punjab were flooded with complaints of fraud by NRI husbands who lured women with the promise of a luxurious life abroad in exchange for a handsome dowry from their families but abandoned them within days or months.

The National Commission for Women (NCW) in India recently identified desertion of women by NRIs as one of the most serious issues in Punjab. The Commission proposed a draft convention on custody of children and distribution of property from such failed marriages.

According to Sardar B.S. Ramoo Walia, former MP and Social Activist, “Indian women were financially and physically exploited by NRI grooms, and ironically, the victims have no laws to protect them”. He said Punjab Police had instructed their men to help such aggrieved women but unless a proper law was enacted, justice could not be delivered. He also said the

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marriages of NRI grooms and Indian brides had become an organised business, run much like a mafia. In his opinion matrimonial advertisements in vernacular newspapers seeking NRI grooms are mostly bogus.

Violence against women by NRIs in the US has been exposed by Manavi, an NGO working for South Asian Women's problem in USA and is quite shocking. According to them there are several cases when a couple gets married in India and then comes to the USA-the wife experiences domestic violence-on the pretext of a vacation or something like that, the husband takes the wife to India and then leaves her there, while he alone comes back to the USA. In such a situation, the wife cannot come back to the USA if her H-4 Visa has expired in the meantime or the husband has not filed for her Green Card. This way, the woman becomes completely helpless. Because of stigma attached to divorce separation, her

living in India becomes difficult but she cannot go to the USA either.

Manavi has also come across cases where the husband is either a USA citizen or is living in the USA while the wife is in India, because she could not go to the USA or is deserted. When this husband applies for divorce in the USA, this woman is left with very few resources to fight the divorce case. Legal Service Organisations in New Jersey and lawyers / legal organisations in India are not able to assist her because they are not aware of USA laws. At the same time, the woman feels that since the marriage took place as per Indian Law, then how divorce can take place as per USA Laws. One reason for her confusion is that (as per our experience) divorce in India is quite difficult to get whereas (at least) in New Jersey it will ultimately take place.



**DESERTION OF WOMEN BY NRIs: A REVIEW**





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## Desertion of Women by NRIs: A Review

As a matter of fact, no concrete research studies have been carried out related to this topic. However, this issue has been reported through electronic and print media to a limited extent. A bird's eye view of the incidences reported through media has been presented here for a better understanding of the problem.

The Punjab-based Lok Bhalai party estimates that over the last few years, there have been at least 1500 cases of abandoned wives in the State. These deserted wives become unwanted dependents on their in-laws and parents and misery is further compounded if they are pregnant or have children. At an Abandoned Wives Conference in Chandigarh during December 2004, Shri Ramoo Walia said "In fact, two or three girls in every village have a tale to narrate". At the same Conference, H.G.S. Shaliwal, a Police Superintendent incharge of the Women and Child Care Unit, said the city of Chandigarh had witnessed 40 percent of cases as marriage fraud.

The story of Satwinder Kaur Jumb an NRI-deserted wife is yet another story that recently appeared in the press (*Tribune India*, Ludhiana, 8 May, 2005). Satwinder Kaur solemnised her marriage in April, 2000 with a Photographer of Canada-based NRI, who had some relatives in

Ludhiana. When the proposal was settled, the groom's family insisted an immediate marriage, even without the presence of the boy. The groom visited India in July 2000 and again marriage functions were performed and the marriage was registered. The girl's parents spent nearly 10 to 12 lakhs on the wedding. After marriage he enjoyed the hospitality for a month and then left for Canada in August 2000 leaving her with a promise that he would soon fly her to the dreamland. But fate had something else, he neither came back nor fulfilled his promise.

All these years she has been hoping to unite with her husband one day or the other. She tried to contact him but his phone number no longer existed. After five years of her marriage, she received a fax message from a Canada-based journalist which stated that she had been divorced by her husband in the Supreme Court of British Columbia. Now the girl is left to move from pillar to post to fight her battle. Nobody is able to help her. The story of Satwinder Kaur is not an isolated one. Hundreds of girls in India have the same story of desertion and helplessness.

The incidents of desertion in Andhra Pradesh reported by the National Press, recently has a different dimension to this issue.

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Jagital Mandal in Karimnagar district of Andhra Pradesh has many immigrants in gulf countries. Every month at least 50 to 70 cases of desertion are being reported in 15 police station limits of this division. Here the youth migrate to gulf countries with the help of the dowry amount within months of their marriage. Once they get jobs and money they would desert their wives by accusing them of infidelity. In some cases once they go to gulf countries, they prefer to have another wife more beautiful than the first one. They want to get rid of their first wives and marry another person. Generally after marriage newly wed girls usually return to their parents' house and stay till the husband arrives. Meanwhile, the in-laws of the girl start harassing her for not staying with them and serving them and they make stories and blame the character of the girls. That instigates the boy to desert her and go for a better status girl for more dowry. However, most of the girls are reporting the cases not basically for complaint against their husbands but for compromise, and seek counselling from the police (Hindu, 16 May, 2005)

There are also cases of abandonment reported by the electronic media "Generally men from abroad go to India, get married, enjoy royal treatment, take the dowry, sleep with their new wives and then simply never send for them, leaving them pregnant or dishonoured, with

shattered hopes and dreams and devastated parents and families. Then, they usually send divorce or annulment papers. If they do manage to bring their wives here, they may abandon them after a short time or abuse them so badly, treat them like servants that the women live in constant fear and pain".

Another heart breaking news of NRI desertion can be seen from the news report of the Times News Network (24 November, 2004). It is a case of suicide by a wife of an NRI Computer Engineer in Hyderabad. The victim was unable to bear the harassment of her in-laws. Rajashree was married to an NRI Engineer in November 2003. Nearly 30 Tolas of Gold and Rupees 8 lakh had been given as dowry at the time of marriage. Her parents said she was harassed since the third day of her marriage. However, she was taken by her husband to the USA. But, there also she was tortured after a year. They came to India, then her in-laws and husband demanded an additional 5 lakh otherwise they asked her parents to take her back. She was sent to her parental home and the boy left for the USA. This left the girl depressed and heartbroken and finally she hanged herself.

The story of Sanyogita Reddy is yet another case of desertion. However she was courageous and ready to fight her case. She appealed to the then Andhra Pradesh Chief Minister N.

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Chandrababu Naidu to help secure the deportation of her husband from the USA so as to save the life of her ailing baby girl. This is yet another heart breaking issue of NRI desertion (for details see the website:- [www.rediff.com/news/2003/Aug/05ap.htm](http://www.rediff.com/news/2003/Aug/05ap.htm)). Many more personal stories of victims of violence in USA can be evident from the following website. [www.umiacs.edu/users/sawweb/sawnet/divorce/Thats me, and html](http://www.umiacs.edu/users/sawweb/sawnet/divorce/Thats%20me%20and%20html). Individual personal stories can be evident from the following websites: The Asian Pacific Post; [sawnet www.manavi.org](http://sawnet.www.manavi.org); [www.huisasurvey.org](http://www.huisasurvey.org); [www.usas.gov/graphics](http://www.usas.gov/graphics); etc.

### **Desertion of Muslim Women by Arabs**

Though desertion of married women by NRI is rampant in the States like Punjab, Andhra Pradesh and Kerala, the desertion of Muslim women by Arabs is a special feature in Andhra Pradesh and to some extent in Kerala. Since Muslim Personal Law permits polygamy for men, and as per Islam, marriage is a contract, thousands of Muslims girls/women became victims of desertion.

In the State of Andhra Pradesh, especially in the old city of Hyderabad, hundreds of poor Muslim adolescent girls are the victims of Arab marriages. During the recent past UAE nationals marrying girls from Hyderabad has

become a regular feature. These marriages have some historical background. It was evident that during 1930s, the Nizams had a good relationship with Arabs. Accordingly many Arabs came to Hyderabad as military officers and started marital relationship with Muslims girls (Deccan Chronical, 5 September, 2004). Often, poor Muslim girls are virtually sold by their parents to the Arabs. In such marriages the parents of the girls get a lump-sum amount as Mehar from the Arabs. Besides, one or more brothers of the girl get jobs in the Gulf countries.

Some shocking news that appeared in the press may be appropriate to highlight here for a better understanding of Arab marriages. "Jafar Hasan AI-Zagrani, a 73-year-old Arab married 19-year-old Haseena. After two weeks he refused to recognize her". After marrying Haseena on 7 May, 2004, Mohd. Jaffer Hasan married 16-year-old Rukhsana Begum, on 24 May. Unconfirmed reports said he married another teenaged girl, but her parents reportedly backed out from approaching the Police. (Deccan Chronical 5 September, 2004).

This incident happened 13 years, after 14 years old Ameena was rescued from her aged Arab Husband, by an Air Hostess in Delhi. The Arab was arrested. That incident was widely publicised by the press to open the eyes of bureaucracy to take proper initiatives to save

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the young girls but no measures have been taken all these years and the plight of poor Muslims girls remain the same. Needless to mention, Ameena finally got married again. This time she tied the knot to a married a man double her age. But she remained confined to her fate, because the pressure from the family was too much for her.

In Gulf countries the marriage is a costly affair. There the bridegroom has to pay a huge amount as “Mehtar” to get a girl. So, poor Arabs started coming to Hyderabad to get married at a cheap rate. In such marriages, though the age of the bridegroom would be on the wrong side of 50 and he would be seeking a second or a third wife, the parents of the girls did not show any hesitation in such agreements. Such marriages would get good amount for the girls' family and one or more of her brothers would find job in an Arab State. After taking the girls to Gulf, the Arabs kept them as servants of their house, as they already had a wife there. The poor girls were exploited sexually. Sometimes the Arabs sold the girls to other Arabs there. In the hope of well-being of parents of poor girls, many of the poor families were ready to sell their daughters to the Arabs. It became like a business.

Another press report (Deccan Chronicle, 21 September, 2004) stated that “The two Arabs arrested for raping Begum were remanded to police custody.” The marriage of Mattar

Hameed Geilani, aged 52 and Begum was solemnised in August. After a fortnight stay with her he left for Oman. After a month the girl was taken to Mumbai by two Arab escorts allegedly to be taken to her husband. But the duo took her to a hotel and raped her for two days. She called her home and the Hyderabad Police sent out a team and rescued the girl.

Now the system of marriage has been changed in the form of contract marriages. Under this system the parents of the girls agreed that the Arab bridegroom would divorce their daughter after marrying her for a specified period that could vary from a few weeks to a couple of months. The agreement is signed along with the divorce papers after the parents receive payment. The amount for each girl depends on her age, whether she is a virgin or a young divorcee or a widow. It could be anything between Rs.5000/- to Rs. 50,000/-.

As per the news report (Deccan Chronical, 5 September, 2004) A group of Quazis has been found to be involved in the contract marriage racket. These Quazis have a network of brokers and auto drivers in the city, and have links in the Gulf. The brokers get information about girls from the poor families with the help of auto drivers. The brokers inform the parents of Muslim girls that the Arab Shaik are big business people and they are ready to give the highest “Mehtar” to the girl's family. Since the

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parents need not pay dowry they show interest. The brokers will arrange everything before the arrival of the Arab Shaikh. The Shaikh will come and marry the girl and spend one or two months with the girl and leave this country with or without giving divorce. Within a period of one or two months the same person will marry more than one girl.

According to the commissioner of police, since the entire process of contract marriage is taking place with the consent of the parties involved, it is difficult for the police to take any action. So, necessary legal changes should be made. However, the police have given strict warning to the Quazis in care they are found involved in such marriages.

According to Advocate Rehana Shaikh (she has six cases where NRIs have deserted their legally wedded wives), "Most of these girls are left with the parents of the boys so as to serve them. They are treated as slaves without any rights. When I heard their stories, I doubt whether we live in a civilised world?" Huma Mansuri was married to an NRI from Dubai, but was never taken abroad by her husband. The in-laws had literally imprisoned her in their house till she succeeded in fleeing after three years and two months of their marriage. She is fighting her case in court for the past seven years. The case of Maryam Faqih, daughter of Ajmal Faqih only reiterates the issue. She was

married to Tahir Ladhi in 1997. Her husband left her with his parents and returned to the UK. For the next two years, he never came back. Meanwhile, Maryam continued to serve her in-laws oblivious of the doings of her husband in the UK. It was as late as 2001 that she and her family learnt that he had married again in the UK. The victims, Maryam and her family, have now registered an FIR against the boy and his family.

The case of Nazreen, daughter of Rehan Ansari, a taxi driver, speaks volumes about the woes of deserted wives. Nazreen was married to Yasin Ansari, in 1994. The NRI groom, for a change, had escorted his wife to Qatar, one year after the marriage. She stayed with him for the next two years, but he brought her back in 1997 by misleading her. He took away all her travel documents and passport on the sly and returned to Qatar without informing her. The girl and her family had no option, but to register cases against him and his family.

It is well-known by now that no fully effective legal relief is available in such cases. However, this problem has deep roots in our social structure as well as the economics of life. If there are poor people, who get allured to marry their daughters imagining a blissful life for their daughters, then there are also parents, who are driven by the greed of marrying their daughters to NRI grooms. Their greed

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envisages greener pastures for the entire family in the form of immigration. Many parents have married their daughters to NRI grooms, who were double their age and even more. “We desperately need amendments to the present laws and even formation of new laws to tackle

this menace. For the time being, the government should exercise the right to cancel the passports of such NRI grooms, to deliver some iota of justice to the deserted girls”, comments Advocate Rehana (Islamic Voice, March 2003).



**DESERTION OF MARRIED WOMEN BY NRIs  
IN PUNJAB AND ANDHRA PRADESH**





## Desertion of Married Women by NRIs in Punjab and Andhra Pradesh

This section deals with the information gathered through primary data. For the present study primary data were gathered from 50 NRI-deserted women from Punjab and 52 women from Andhra Pradesh. The information was gathered to understand the details of “the problem of desertion”, they are: Socio-economic background of the NRI-deserted women, marriage and related issues like dowry, marital life with husband, details of divorce/separation and legal action, present status of the respondents and the future perspectives. Information was gathered through interview schedule/questionnaire.

**Table 1: Age of the respondents**

Age	Punjab	Andhra Pradesh	Total No	%
< 20 years		9	9	8.8
21-25 years	11	17	28	27.4
26-30 years	22	12	34	33.3
31-35 years	10	8	18	17.6
36 and above	7	6	13	12.7
<b>Total</b>	<b>50</b>	<b>52</b>	<b>102</b>	<b>100.00</b>

Table 1 show that among the total respondents, around 8.8 percent belongs to the

age group below 20 years. However, it is interesting to note that all the respondents in this age group are from Andhra Pradesh. This is mainly due to the Muslim respondents, who got married at an early age. Further it has been found that around 60 percent of them belong to the age group of 20 to 30 years followed by 17.6% of them in the age group of 31 to 35 years. It is also noticed that 12 percent of the respondents belong to above 36 years of age. These findings show that generally desertion takes place within few years of marriage and most of them are fighting for their divorce through court.

Among the respondents of Punjab, cent percent belonged to Sikh/ Punjabi religion. In Punjab majority of the NRIs are from the Sikh community. On the other hand in Andhra Pradesh, the highest number (35) of respondents is Hindus, followed by Muslims (14) and a negligible number (3) as Christians. Among the Muslim respondents, 6 are deserted by Arabs. Since the study is based on purposive selection of sample this data did not reflect the proportionate religious background of the states.

**Table 2: Educational level of respondents**

Educational Level	No. of Respondents		Total No.	%
	Punjab	Andhra Pradesh		
Up to VIII	4	9	13	12.7
IX - X	10	9	19	18.6
XI - XII	17	5	22	21.6
Graduation	12	21	33	32.4
Post-Graduation	7	8	15	14.7
<b>Total</b>	<b>50</b>	<b>52</b>	<b>102</b>	<b>100.00</b>

Education is one of the social variables that influence the status of women in societies. The present study analysed the educational status of the NRI - deserted women and noticed a progressive trend in education among the deserted women. As for Andhra Pradesh, although it has a low level of literacy/education among women, the respondents of the present study show a high level of education as compared to their counterparts in the general population of the state. Nearly half (48%) of the respondents had education up to graduation and above level. In Punjab 70.6 percent of respondents had education level of standard XII and 38% were educated up to graduate and post graduate level. On the other hand 18% respondents in Andhra Pradesh had only primary level of education and they were all Muslim girls. In general, Muslim girls have very low level of education in the state.

**Table 3: Occupation of the respondents**

Occupation	Punjab	Andhra Pradesh	Total No.	%
None/House wives	23	19	42	41.2
Students	-	9	9	8.8
Professionals		11	11	10.8
Vocational/Skilled	13	6	19	18.6
Business	-	5	5	4.9
Pvt. Service	14	2	16	15.7
<b>Total</b>	<b>50</b>	<b>52</b>	<b>102</b>	<b>100.00</b>

Less than fifty percent of respondents belong to the housewife category (41.2%). The trend is the same for both the states. However, 15.7% of the deserted women are students, mostly doing professional/post graduate courses. Some of them reported that they discontinued their education when they got married. Further, once they were deserted they started their education mainly for obtaining job and in turn economic independency. However, a few of them stated that they have joined the course to avoid mental stress and isolation. In Punjab 12.7% respondents were undergoing some vocational training with the purpose to be self dependent after desertion by their NRI husbands and 6.7% joined private service. It is also interesting to find that nearly 11 respondents in Andhra Pradesh are working as professionals (mainly IT specialists) followed by 18.6 percent as engaged in vocational/skilled profession and 15.7 percent of them are

in private services. A negligible percent of them are engaged in business in both the states. The participation of women in diverse fields of occupation may have a bearing on their deserted/divorce status by improving their economic independency.

**Table 4: Occupation of NRI husbands**

Occupation	Punjab	Andhra Pradesh	Total	%
Professionals	-	40	40	39.2
Skilled/Technical/ Service	35	10	45	44.1
Business	8	-	8	7.8
Do not know	7	2	9	8.8
<b>Total</b>	<b>50</b>	<b>52</b>	<b>102</b>	<b>100.00</b>

The occupational profile of the husbands was also collected from the respondents. As expected, 75% of the husbands from Andhra Pradesh were professionals (Computer/IT and Management). This trend further strengthens the well known fact that a sizable number of IT professionals from Andhra Pradesh are able to gain professional employment opportunities in the global I.T market, especially in US, Canada, Australia etc.

In Punjab at no stage, do parents of the girl before marrying her off make thorough enquiries about the NRI groom, his previous marital status, profession, work place, income etc. The parents spend lakhs of rupees on

marriage and “Streedhan” and get their daughters married in good faith with NRI boys, and girls dreaming peaceful conjugal life. But immediately after marriage their dreams are shattered. However, none of the Punjab respondent's husbands had professional occupation. In Punjab the majority belong to a lower profile of service category. Many respondents did not have any idea of their husband's profession/occupation. The responses were based on the information provided by NRI husbands and their parents. The information regarding their occupation was never verified by the parents of respondents.

### **Marriage and Related Issues**

Marriage is one of the three great events in life along with birth and death. Birth just happens and death is largely beyond our control. However, marriage is a more likely affair which can be influenced and it has multiple dimensions. Since the study aims to find out the issues related to the desertion of married women, it is essential to analyse the detailed history of marriage and related issues. In general, NRI marriages are arranged in a short period of time, without having proper enquiry about the details of the bridegrooms and finally, the poor girls becoming the victims of fraudulent marriages.

## Age of victims at the time of marriage

**Table 5: Age of victims at the time of marriage**

Age group (years)	No. of Respondents		Total No.	%
	Punjab	Andhra Pradesh		
Below 20	13	10	23	22.5
21 - 25	25	32	57	55.8
26 - 30	11	8	19	18.6
31 - 35	1	2	3	3.0
<b>Total</b>	<b>50</b>	<b>52</b>	<b>102</b>	<b>100.00</b>

Age at marriage is one of the important social indicators that determine the life of women. According to 2001 census 6.4 million Indians under the age of 18 years are already married. And if one takes into account the legal marriageable age (18 years for girls and 21 years for boys) the data is even more shocking- 11.7 million (4.9 million females and 6.9 million males) married under age.

As per the present data shown in table 5 more than half (55.8 %) of the deserted women got married in the age group of 21-25 years, as against 18.6 percent who got married between 26-30 years. Only 3 respondents got married above 30 years. On the other hand one-fifth of them got married below the age of 20 years. The trend in age at marriage is almost the same for both the states. However, when we analyse the mean age at marriage of NRI deserted women,

it has been heartening to know that in Punjab women had 23.7 years and Andhra Pradesh women had 21.5 years of mean age at marriage. It is higher than the state average especially for Andhra Pradesh. Andhra Pradesh is one of the states having lower mean age at marriage. The higher mean age at marriage of the present data can be attributed to the fact that most of the respondents of this study got married after completing their education at least graduate level, barring Muslim respondents who got married at a younger age.

The respondents of the present study were asked whether the marriage is arranged by parents or self selection. It has been reported that all the respondents in Punjab had arranged marriages and more than 90% of them, from AP also had arranged marriages, barring 6 respondents.

## Sources of proposal for marriage

**Table 6: Sources of proposal for marriage**

Sources	No. of Respondents		Total	%
	Punjab	Andhra Pradesh		
Relatives/friends	45	21	66	64.7
Advertisement in press/internet	05	17	22	21.6
Marriage Brokers	-	14	14	13.7
<b>Total</b>	<b>50</b>	<b>52</b>	<b>102</b>	<b>100</b>

Information was also gathered on sources of marriage proposal. Table 6 indicates that in Punjab the majority of the NRI marriages are proposed by relatives / friends (45 cases) as against five of them received the proposal through advertisement in the press. On the other hand, in Andhra Pradesh also the highest number (21 cases) of marriages are proposed by relatives/friends, followed by 17 and 14 cases which were proposed through advertisement in the press and through marriage brokers, respectively. In general, the marriages arranged through brokers and advertisements are on the increase. In India every parent of an adolescent girl has a dream of handing over their daughter to the hands of a well-placed and economically secure bridegroom at an early date. To fulfil this dream, generally if they see any matrimonial advertisement in electronic or print media, finalise the marriage by way of bargaining for dowry without having any second thought.

In Punjab friends and relatives also play a major role in settlement of marriage that too in such a hurry that girl's parents are not left with any option to make inquiry about the bridegroom. They promise affluent and comfortable life to the girls abroad. Parents of the girls do away with the formalities like verifying the credentials of the prospective bridegroom or taking the precaution of getting the marriage registered. The motives of

marrying off a girl to a NRI boy are numerous. Marriage is indeed considered a favourite ticket to go abroad not only for the girl herself, but also for the rest of the family. With the tightening of immigration rules the old route of prosperity in the west has become much tougher. The increasing desperation of rural Punjabis to send their kith and kin abroad has made it much easier for unscrupulous men to seize such opportunity.

### Enquiry before marriage

**Table 7: Enquiry before marriage**

Category of Response (s)	No. of Respondent		Total	%
	Punjab	Andhra Pradesh		
Yes	13	38	51	50.0
No	37	14	51	50.0
<b>Total</b>	<b>50</b>	<b>52</b>	<b>102</b>	<b>100</b>

Regarding the enquiry about the bridegroom to find out his status, slightly more than half of the respondents (50.0%), parents made an inquiry before marriage. However another half of them reported that there were no proper enquiry about the groom and his employment and other status before marriage. In Andhra Pradesh every parent's wish was to get an alliance from an NRI boy especially from the United States. Besides, most of the educated girls prefer NRI marriages and they compel

their parents to arrange marriage with NRI's at any cost.

In Punjab even the respondents who made some enquiry before marriage, it was only through the words of relatives. The parents of respondents did rely on those relatives who assured them of a happy married life of the respondents. Parents of the respondents never asked the NRI boy to show his passport, visa details and work permit etc. In most of the cases, even the parents kept the marriage alliance a top secret as they felt that if they disclosed the alliance to others, others could snatch the boy away from them to settle their daughters' marriage. As a result, most of the time, the marriages are fixed hurriedly because the boy would have only a few days leave. Hence, the parents could not get proper time to know the details of groom's status abroad.

Parents of the girls do away with the formalities like verifying the credentials of the prospective bridegroom or taking the precaution of getting the marriage registered. The motives of marrying off a girl to a NRI boy are numerous. Marriage is indeed considered a favourite ticket to go abroad not only for the girl herself, but also for the rest of the family. With the tightening of immigration rules the old route of prosperity in the west has become much tougher. The increasing desperation of rural Punjabis to send their kith and kin abroad

has made it much easier for unscrupulous men to seize such opportunity.

## Final decision about marriage

**Table 8: Final decision about marriage**

Key person(s)	No. of Respondents		Total	%
	Punjab	Andhra Pradesh		
Parents	43	33	76	74.5
Brothers	01	3	4	3.9
Relatives	02	4	6	5.9
Self	04	12	16	15.6
<b>Total</b>	<b>50</b>	<b>52</b>	<b>102</b>	<b>100.00</b>

Regarding the final decision about the marriage, in total an overwhelming percentage (74.5%) of the respondents reported that their parents took final decisions. When we compare it with Punjab, in 43 cases, parents are the key persons, barring seven respondents. Among them only four took self decision. The majority of girls have a dream of an affluent married life abroad. During the recent past the craze for NRI bridegrooms has been on an increase, and this provided an easy channel for NRI bridegrooms to dupe parents of girls.

On the contrary, in Andhra Pradesh, 12 respondents reported self decision as against 33 cases in which decisions that were taken by parents. From the findings it can be noted that in

Punjab all the marriages are arranged marriages that directly reflect the parental decision.

**Table 9: Time span between engagement and marriage**

Times	No. of Respondents		Total	%
	Punjab	Andhra Pradesh		
> One week	13	12	25	24.5
1 week-2 week	21	9	30	29.4
2 week-1 month	4	23	27	26.5
2-4 month	5	4	9	8.8
4 month and above	7	4	11	10.8
<b>Total</b>	<b>50</b>	<b>52</b>	<b>102</b>	<b>100.00</b>

**Engagement:** Engagement is a ceremony held before the marriage. It has a social significance, because it is an occasion of sharing with families and friends the joy of deciding to formalise a relationship which is a more serious commitment. For those who believe in religious ritual and god, it goes beyond social significance in dedicating their relationship to god. The time span between engagement and marriage is important. If it is more than a year, it tends to lose its momentum.

According to the present data all the respondents from Punjab had engagement ceremony before marriage. As is evident from table 8 the time span between engagement and marriage ranges from one week to six months. In Punjab a quarter (24.5%) of the respondents

had less than one week of time span between engagement and marriage. About 42% of respondents got married within 2 weeks time. In Andhra Pradesh 47 % of the respondents had a time span of one month as against 8.8 percent who had 2-4 months time between engagement and marriage ceremony.

Those who had a time gap between marriage and engagement had interaction with husband before marriage. In Andhra Pradesh, 47 cases had interaction as against only two respondents from Punjab reported interaction before marriage. This was due to the conservative attitude of families and society in Punjab.

## OTHER DETAILS

### Place of marriage

In total slightly more than half of the respondents had their marriage performed at home (52.0%). In Punjab, the home marriages (27) are more as compared to marriages performed in Gurudwara (12) and Hotel (11). On the other hand, in Andhra Pradesh 25 respondents had home marriage followed by 20 and 7 who had their marriages at Kalyana Mandapam and Temple/Church respectively. In Andhra Pradesh all the Muslim marriages were performed only at home.

Almost all the respondents (90%) had customs and rituals related to marriage barring

6 respondents from Andhra Pradesh, Generally, in all arranged marriages, it was a must to follow customs and rituals of marriage. It was also noted that in some cases the deserted women used the photograph/video of the marriage as proof of marriage when filing the case against their husbands.

### Marital status of NRI bridegroom

Data was also gathered to find out the bridegroom's marital status. It is surprising to find that slightly less than one third of (30.3%) the respondents were the second wives. Among the States second marriages are more in Punjab (19 cases) than Andhra Pradesh (11 cases). In Andhra Pradesh, majority of these cases are from among the Muslims. However, these are only the reported cases of second marriages. A majority of the remaining husbands may have clandestine marriages, which is one of the major causes of desertion.

The data from Punjab revealed that the NRI husband usually concealed his premarital status even if he had already been married once or even twice, having children as well. He did not reveal details of his actual profession, income, passport or even residence abroad. He and his parents quietly struck a deal with the bride's side, deceived them of hefty dowry both in kind and cash. After enjoying hospitality the groom vanished into thin air assuring his spouse to sponsor her later - a promise never fulfilled. In

most of the cases, the boys' parents also follow them taking along the dowry given to the girls, leaving the girls behind to fend for themselves.

### Registration of Marriage

**Table 10: Registration of marriage**

Registration of Marriage	No. of Respondents		Total
	Punjab	Andhra Pradesh	
Yes	20	40	60
No	30	12	42
<b>Total</b>	<b>50</b>	<b>52</b>	<b>102</b>

It is sad to note that in Punjab 60% of these marriages are not registered. The reason being ignorance regarding the importance of registration of marriage, lack of time with the NRI husband, second marriage of husband which is not legal etc. Those who have not registered their marriage do have the proof of marriage in the form of photographs and video film of the marriage ceremony. Since desertion and divorces are on the increase among the NRI marriages, one should really consider the importance of Registration of marriage. Due to the lack of registration of marriages most of the victims of desertion could not make any legal claim for maintenance from their husbands.

In Andhra Pradesh 23 percent of the marriages are not registered. The reason is, that nearly 30 per cent of the second marriages have



taken place illegally without having acquired proper divorce. Those cases are mostly from Muslim community. Generally they do not have a proper registration system, and the poor Muslim girls are not aware of the importance of registration.

### Payment of Dowry

The traditional concept of dowry in the Indian context meant giving married girls their share of parental estate in the form of 'Streedhan'. In recent times, however, certain malpractices have been seen in this social custom, with cases coming to light wherein dowry has been seen as means of accumulating wealth at the cost of the bride's parental family. In India Dowry Prohibition Act was enacted as early as 1961 and the government has made various measures to control dowry harassment. But its impact is far beyond expectation. In the year 2002, the national crime records bureau registered 1878 cases under dowry prohibition act. Dowry and related issues are the major reported cause of desertion and divorce in India. In this context, the present study explored the details of the payment of dowry for arranging the marriages.

The parents of all the respondents from Punjab gave dowry during marriage that included gold jewellery, household articles, furniture, vehicle, landed property and lumpsum amount of cash and gifts to family members in the form of clothes and gold.

Among the total respondents a quarter of them did not pay cash as dowry at the time of marriage. However, they were forced to pay cash after marriage. Cash was also demanded from the parents of the girls on the pretext of arranging visa and ticket for girls to go abroad. It has been noticed that 8% of the respondents paid 6 to 10 lakhs of cash as dowry (table 11). Majority of the respondents stated that the dowry amount was used by the groom and his family members. None of them have deposited the amount in the name of the victims.

Almost all the respondents from Punjab agreed that there was a bargaining related to the payment of dowry before marriage and after the negotiations the parents of the boy and bride groom agreed for marriage. In few cases girl's parents wanted their son to be settled abroad and marriage was fixed on the condition that bridegroom will arrange visa for their son too.

### Cash paid at the time of marriage

**Table 11: Dowry as cash paid at the time of marriage**

Dowry paid	No. of Respondents		Total	%
	Punjab	Andhra Pradesh		
Not paid	13	6	19	18.6
<1 lakh	20	17	37	36.3
1-3 lakh	8	12	20	19.6
4-5 lakh	5	13	18	17.6
> 5 lakh	4	4	6	7.8
<b>Total</b>	<b>50</b>	<b>52</b>	<b>102</b>	<b>100</b>

In South India the practice of presentation of gold as part of dowry is very common, compared to North India. According to the present study, in Andhra Pradesh parents of 40 respondents gave gold as part of marriage gift barring 12 respondents who have not given any gold, the amount of gold varies from below 5 sovereigns to more than 50 sovereigns depending on the status of the bridegroom and the economic status of the bride's parents. Cash payment was also given to boy's parents barring 6 Muslims from Andhra Pradesh who were sold by their parents to Arab Shiekhs. Those who went abroad with their husbands also had severe problem in the form of physical violence, mental torture, isolations etc. The harassment was both physical as well as mental which included beatings, confinement in room, not providing food and medicines, sexual harassment from co-brothers, father in law and other family members, not allowing to talk with parents, not sending to parental home, scolding with abusive and vulgar language, giving poison in food etc. Similarly in 39 cases in Andhra Pradesh harassment was experienced by the girls by their in-laws and husband.

**Harassment for more dowry:** Nearly 90 percent of the respondents stated that after marriage within days to months their in-laws started demanding more dowry and harassed the girls. Few girls, who were away from their

in-laws, also experienced dowry harassment from their husbands. 40 cases in Punjab had experienced different forms of harassment after marriage by demanding more dowries. . The demand was in the form of Cash, Vehicle, Bank deposit, transferring property to husbands name etc. In one case in Andhra Pradesh, the boy after tying the 'tali', immediately deserted the girl by demanding more dowry.

### **Duration of stay with husband in India after marriage**

**Table12: Duration of stay with husband in India**

Duration	No. of Respondents		Total	%
	Punjab	Andhra Pradesh		
< 15 days	16	3	19	18.6
16 days-1month	9	7	16	15.7
1-3 month	14	9	23	22.5
3-6 month	3	15	18	17.6
6-12 month	8	9	17	16.8
> one year		9	9	8.8
<b>Total</b>	<b>50</b>	<b>52</b>	<b>102</b>	<b>100.00</b>

In general NRI husbands leave the country within a short period after marriage. According to the present data, one third of the respondents stayed with their husband for less than one month. Even 16 of the respondents from Punjab stayed with their partners for less than two weeks period; only 8 respondents had more

than six months stay with their husband in India after marriage. But none of them from Punjab had above one year stay. In Andhra Pradesh those who reported more than one year and 6-12 months are those who became NRI only after their marriage.

### Expectation from Marriage

Since marriage is an important event in the life cycle of women, every girl and woman has a dream and expectation from her husband especially from NRI husbands, because in such marriages, the girls have to adjust to a new country, away from their parents and families. In that context, the respondents were asked their preference and expectations from the marriage. From both the states the highest reported expectation is social security in life (52), happy and prosperous married life (48), and good companionship (45). Another 32 respondents reported that they were expecting to fulfil the dream to get an NRI husband. A quarter of the respondents expected to get a job abroad as well as to have an affluent life abroad. It is also interesting to note that 11 respondents each had an expectation to support their family, and also get visa for their family members.

The expectations of their parents were also no different. They expected an affluent and happy family life for their daughters. Besides, a quarter of them preferred NRI marriages to improve their family status. The parents of the

poor Muslim girls prepared to arrange their daughters' marriage with elder Arabs in order to avoid dowry and to get Maher from the bridegroom.

### Accompanied husband abroad

**Table 13: Visited abroad along with husband**

Visited	No. of Respondents		Total	%
	Punjab	Andhra Pradesh		
Yes	9	21	30	29.4
No	41	31	72	70.6
<b>Total</b>	<b>50</b>	<b>52</b>	<b>102</b>	<b>100.00</b>

Only 9 respondents from Punjab and 21 from Andhra Pradesh had made visits abroad. Among the total sample, 30 respondents went abroad at least once along with their husbands. It is quite interesting to note that the expenses of visa and travel were met by the parents of all the 9 respondents from Punjab and 15 from Andhra Pradesh as against 6 respondents who stated that their husband spent for their visa and travel. However, the respondents who went abroad from Punjab stated that they had their stay only up to six months. In respect of Andhra Pradesh, 3 respondents had only six months, 12 had up to one year and 6 of them had their stay above one year.

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## Immigration status of the NRIs

In India NRI population is settled in many countries. The most significant historical emigration was to South Asia. After independence in 1947, the pattern of emigration naturally changed. Indians sought better fortune mainly in the UK and other European countries, USA, Canada and in a smaller number, in Australia. On the other hand after the 1970's oil boom in the Middle East, a large number of Indians immigrated to the Gulf countries, this was only on contractual basis rather than permanent.

The present data also reflected that the NRIs are spread over almost all the countries mentioned above. However, the highest number(21) of NRIs from Andhra Pradesh are in the USA, the second largest number of NRIs are in the Gulf countries (18). On the other hand, in Punjab, the single largest group is in Canada (12) followed by UK (8). It is also surprising to know that 4 respondents from Punjab are not aware of the whereabouts of their husbands. 18 respondents from Punjab and 12 from Andhra Pradesh stated that their husbands never came to India once they left. Few respondents from Punjab stated that even when their husbands visited India they never met them. Sometimes wives were not aware of their husband's visit to India. They used to visit India and go back without any information to

their deserted wives. Ten respondents from Punjab found that their husbands had illicit relations with someone else abroad. They were treated only as servants in their own homes. They were not allowed to make phone calls even to their parents. In all the cases the jewellery, cash and all the documents of the girl were retained by their husband/in-laws which were not returned to them. Very often, they became victims of domestic violence. All the respondents (9 from Punjab, 21 from Andhra Pradesh) who stayed abroad faced physical and mental torture from their husbands.

Those respondents who did not go abroad after marriage and stayed with their in-laws also had diverse form of violence like physical, mental, and sexual abuse from male members of the in-laws family. In a few cases from Punjab, in-laws sent the girls to their parent's house after demanding more dowry. Some of them said that their in-laws blamed them about their fidelity and chastity. In some cases, the in-laws tried to convey a wrong notion to their husbands and instigated them to violence and ill-treatment.

**No. of Children:** It is interesting to note that more than two-third (77) respondents did not have any children, while 10 respondents from Punjab and 12 respondents from Andhra Pradesh had one child. Only three respondents from Punjab had two children. This can be

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justified that a quarter of the respondents had less than a month's stay with their husband after marriage. Some of the respondents from Andhra Pradesh who had opportunity to stay with their husbands reported that their husbands were purposively avoiding children. They felt that children would be a burden for them and that it would strengthen their marital bond. Even more than five respondents from Andhra Pradesh reported that their pregnancy had been aborted forcibly by husband and in-laws and one of the respondents stated that she had been fed with medicine to get abortion without her knowledge. In three cases in Punjab and two cases in Andhra Pradesh husbands had doubts about the paternity of their children.

### **Divorce and separation**

**Divorce:** Traditionally, divorce/separation was uncommon in India. Marriage was considered as a union of souls, and not merely of bodies. It has been considered as an eternal bond that binds two souls together forever and each suffers for the other's lapses and derelictions. It is not a contract with them, but a sacrament and there is no breaking away or parting from the union. However, for the past few decades due to the westernisation, modernisation and emergence of the nuclear family etc there has been a drastic change in the institution of marriage and the rate at which marriages are breaking up is a serious issue.

The problems of marriage lead to separation, desertion and finally divorce. In most of the Western countries, problems are linked mostly to sexual compatibility and health of the partners. However, in India economic problems like dowry and related issues play a major role in the problems of marriage and divorce.

The respondents of the present study already confirmed that more than 90 percent of them faced the problem of dowry and, so, dowry is the most commonly reported reason for their separation and desertion. Besides, nearly 20 percent of the respondents stated the problem of husband's illegal contacts with other women and related problems and incompatibility in adjustments. Another 20 respondents accepted that they preferred separation because they were unable to bear the physical torture from their husbands and in-laws. The separated and deserted from respondents from Punjab and five respondents from Andhra Pradesh stated that they were not aware of the reason as just after few days of marriage they were deserted without any reason.

Most of the respondents from Punjab stated that they did not have any idea about their husbands' wrong intentions. The husbands never married them with the intention to take them along abroad, but they were only treating them as holiday wives and a source of regular

supply of money. In one peculiar case from Punjab, the NRI boy got married to a girl from Punjab only to serve his mother. His mother was a cancer patient and was at her last stage. The boy got married in a hurry pretending it to be a last wish of his mother to see him married before her death. Actually he needed a nurse for his ailing mother. The innocent family of girl felt cheated when after death of his mother within a month of marriage, their daughter was sent back saying that now they do not need her. They were too miserable as they had already spent lakhs of rupees on their daughter's marriage and were under heavy debt. The marriage was not registered and the boy flew back abroad taking advantage of their innocence.

The increasing desperation of rural Punjabis to send their kith and kin abroad has made it much easier for unscrupulous men to seize the opportunity. The modus operandi of these men is to come to India after a working stint in the United States or Europe, to display ostentatiously their affluence and marry local girls who could bring large dowries. Often, a holiday visit to their native village holds promise of a temporary liaison with a village belle for the duration of their visit, besides a handsome dowry.

Also, NRI boys from Punjab under intense familial pressures do what their parents/relations want them to do. Many have no intention of

taking their respective newly wed wives to the Promised Land, as they are already married there. It proved merely a source of entertainment for them when they had a short visit to India as well as a huge dowry. They married the girl(s) just to serve their parents and relatives in their absence.

**Legal Advice:** Among the total respondents, about three fourth had legal advice to get separation after desertion. However, in Punjab slightly less than half (22) of the respondents did not seek any legal advice. In Andhra Pradesh, only seven respondents came under the same category. The reasons for not taking legal advice are: financial constraints, threat from in-laws, depending on the middlemen for compromise and lack of awareness.

**Table 14: Legal advice before separation after desertion**

Legal advice	No. of Respondents		Total	%
	Punjab	Andhra Pradesh		
Yes	28	45	73	71.6
No	22	7	29	28.4
<b>Total</b>	<b>50</b>	<b>52</b>	<b>102</b>	<b>100.00</b>

### **Counselling before separation**

Among the respondents from Punjab a large number (86%) of them did not seek any counselling before divorce/separation as

against only 14% who sought counselling. Most of them did not seek counselling because they were living in hope of compromise with their husband. They were also not aware of the legal procedures. They neither thought of undergoing any counselling nor did they know about any NGO or women activists who provide counselling. Most of the deserted women have financial constraints to fight against their husbands.

**Table 15: Counselling before divorce/desertion**

Seek Counselling	No. of Respondents		Total	%
	Punjab	Andhra Pradesh		
Yes	7	11	18	17.6
No	43	41	84	82.4
<b>Total</b>	<b>50</b>	<b>52</b>	<b>102</b>	<b>100.00</b>

### Action taken against Husband

It is heartening to note that an overwhelming percentage of respondents (73.5%) had filed FIR and Court Case. The trend is more or less the same in the two states. Those respondents from Punjab who have not taken any action are either waiting for compromise or have financial constraints or are afraid of threat from in-laws etc. In Punjab most of the respondents faced non-cooperation from police officials during registration of FIRs. The victims who managed to register FIR

or file court case get threats from their in-laws. These threats were either to kill the victim, kidnap family members or destroy the active family members etc. The victims who managed to succeed in filing FIR faced too many difficulties such as insensitivity of police, non-cooperation from police, political pressure from in-laws, and continuous threats from husband/ in-laws.

**Table 16: Action taken against husband**

Action taken	No. of Respondents		Total	%
	Punjab	Andhra Pradesh		
Yes (FIR/ Court case)	36	39	75	73.5
No	14	13	27	26.5
<b>Total</b>	<b>50</b>	<b>52</b>	<b>102</b>	<b>100.00</b>

### Time span between desertion and action taken

When we analysed the time span between desertion and action taken against their husbands, it has been noticed that three respondents had taken action within a year. Among them, one case in Punjab, the victim came to know that after 10 days of her marriage her husband got married to another girl in the same village. The girl was totally shattered by the fact and her parents filed a case of cheating against her husband. Her in-laws returned a few dowry items to keep the girl's mouth shut. The tragedy is that the girl still wants to

compromise with her husband and wants to go abroad along with him. Her parents are also of the view that she should stay with her husband despite the fact that he has another wife. They are under such social pressure that now nobody will marry their deserted daughter.

**Table 17: Time span between desertion and action taken**

Time Span	No. of Respondents		Total
	Punjab	Andhra Pradesh	
Within a year	1	2	3
1-2 years	6	9	15
2-4 years	16	15	31
4-6 years	6	7	13
More than 6 years	7	6	15
<b>Total</b>	<b>36</b>	<b>39</b>	<b>77</b>

Either action is not taken to register the FIR, or it is inordinately delayed. Under political pressure or otherwise, the names of accused persons as indicated by victimised girls in their complaints are deleted from FIRs. Even after registration of FIRs, unreasonable delay is made in filing of challans. The insensitivity to the issue made the victims more vulnerable. Further, whenever accused NRI husband or his parents named in FIR visit their home-town in Punjab, no action is taken to arrest them or impound their passports. The Look Out Notice (LON) to concerned immigration authorities is

not sent in time, thus facilitating the accused persons to escape abroad.

In another peculiar case, in Punjab, a girl took legal action after more than 6 years. She kept waiting for a compromise in the hope of having a happy married life with her husband abroad. Rest of the respondents who took several years to take any legal action against their husbands were not even aware of the sources for legal support. After a long struggle they had courage to go for legal action after desertion. Another major factor, as mentioned earlier also for not registering FIR or filing court case was non-cooperation from police due to political pressure by in-laws or otherwise. The judicial officers were also influenced by the in-laws either by taking bribe (cash, gifts) or by other political pressure. In three cases in Punjab it so happened that the concerned police official and judicial officer were invited (sponsored) abroad by husband and the husband made it a point to entertain them so that they became completely under his influence and did not take any action against them.

In one case in Andhra Pradesh, a girl filed the case within a week of her marriage. Here immediately after the marriage rituals, the boy and his parents left her by demanding more dowry. She did not even spend a single day



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with her husband”. The girl and her parents waited for a few days and then filed a case of cheating. Action was taken but due to influence the boy got bail and escaped from the case.

However, majority of the respondents reported 3-4 years of gap between desertion and action. It is also interesting to note that 15 respondents had more than 6 years of time span between desertion and police action. Here most of them had a feeling that they would be able to compromise with their husband. After a long period of waiting only they decided to fight against the boy. Some respondents did not take any action for the sake of their children. They felt that divorce will affect the future of their children.

### **Attitude of Husband and in-laws after legal action**

In all the cases where legal action was initiated by the victimised girls, they faced different types of harassment and abuse from their husband and family members. Some people bribed the police and used political influence to harass the girl and her relatives.

It has also been reported that in both the states in some cases, the in-laws pressurised them to withdraw the case by promising to return the money. Most of the respondents reported that once they withdrew the case, they again started harassing them.

### **After separation returned the streedhan/money**

It has also been noticed that majority of the respondents (44 members from Punjab and 30 members from Andhra Pradesh) stated that even after separation, they did not get back their cash, gold and other valuable articles. In Punjab seven cases it was tried but only one respondent got it back and 34 never got back any dowry item. Two of the respondents, in the hope of compromise, never thought of taking back any dowry. Another 31 respondents never tried to get back any dowry or maintenance. They either did not have resources to fight the case or did not know the legal procedure. Their ignorance about the legal formalities made them more vulnerable. In Andhra Pradesh of those who got divorce through court, 10 respondents received their property. At least a half nearly 7 respondents whose case is under trial have not yet settled the matter.

### **Support from parents**

All the respondents who took legal action against their husband/in-laws were supported by their parents. In Punjab some cases (18) of FIR were lodged with the help of Lok Bhalai Party. Some respondents also consulted the lawyer of Lok Bhalai Party for filing their case against their husbands. The officials of Lok Bhalai Party also helped these victims in

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writing letters and contacting Indian Mission abroad and persuaded the husbands to send monetary help to their wives. In another case, the Party helped the deserted girl in registering FIR. She got FIR registered and her case for maintenance allowance from her husband was later decided favourably by the court. But she is insisting that "Look out Notice" be issued by SP Ludhiana. In some cases the police under the influence of the husband and in-laws, do not co-operative in filing FIR/ registration of case. Some of the respondents reported that they spent years to file the case.

In Andhra Pradesh the respondents file the cases with the help of parents and other family members. In some cases (10) the women activist groups and NGOs like Asmita, Anweshi and Cova (especially for Muslim girls) helped the victims to lodge the complaints.

### **Present Status of the Cases**

In Punjab, five respondents got divorce while 21 victims have only registered an FIR without any further progress. Rest of them said that their case is pending in the court. In Andhra Pradesh, among the 39 respondents who filed the FIR 15, got the decree of divorce; for the rest of them it is under trial in the court.

### **Compromise with Husband**

The respondents were asked whether they are still ready to compromise with their

husband. It is sad to note that 22 victims in Punjab and 17 from Andhra Pradesh are still ready to compromise. They were of the view that nobody will marry them now in India, so it is better to spend their life with their husband despite all kinds of torture, they feel it as their fate. Parents of these girls also feel that once married, they cannot think of another marriage for their daughters. Due to financial constraints and social stigma most of the parents do not want to support their divorce for their daughters. They prefer to send their daughters to their husband's place, though the girl has to face torture in the husband's house. The problem is more with the victims who have children.

Rest of the respondents felt that there was no question of compromise, and continue to live with such a cruel situation with husband and in-laws. They could not think of undergoing the torture again and becoming depressed.

### **Maintenance**

Most of the respondents (42) in Punjab and 37 in Andhra Pradesh did not receive any maintenance from their husband. Those who have settled the maintenance through court stated that they are not receiving it on regular basis. Most of them received it only once or twice.

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## **Knowledge about the procedure to be followed to visit abroad**

In Andhra Pradesh nearly one-third of the respondents reported that they did not have any knowledge about the procedures to be followed for visit and stay abroad. They are mainly the less educated girls. On the other hand, 53 percent of them reported that they have some idea about the visa i.e. that they will be given only H4 Visa i.e. dependent visa. But they do not know the conditions they have to follow as an H4 visa holder. They have to get protection and financial security by their husband. Only a negligible percent of the respondents have more knowledge about passport, visa, statutory requirements of the country etc.

In Punjab, most of the respondents and their parents were very ignorant about procedures. Some of the parents believed that they may get visa through lawyers if they spent money. Lawyers were taking advantage of their ignorance. In one case the parent of the deserted girl hired a lawyer in Punjab and another lawyer in Delhi for getting visa for their daughter. They were under the impression that by paying few lakhs of rupees one can easily get visa.

## **Current Status of the Respondents**

In Punjab most of the respondents (40) were staying at their parental home and one with her

brother. In majority of the cases their parents are the real supporter for them for their livelihood as well as providing moral support. Two victims had lost their parents and were staying in a rented accommodation. They were doing jobs and were able to spend on rent. Rest of them were staying at their in-laws place. They are staying there as they did not have any other alternative. They were given the space either in the store room or cattle shed but not in the main house. After a long struggle they were able to manage to get hold of some space there. They were staying there to get justice to get share from their husband's property, to get maintenance, to show them their right in in-laws house. As mentioned by them they were living under continuous threat from their in-laws. They experience violence in the form of beatings, sexual harassment by male members, confined in one room only, not allowed to move out, no contact with any neighbours or outsiders or relatives from parental side. The in-laws even tried to kill them by giving poison in food.

In Andhra Pradesh none of the respondents stays at the in-laws place after desertion. Majority of them (39) stay with their parents. Since half of the respondents are engaged in one or the other occupation, they are able to get some income for their maintenance. However, they feel the insecurity, as most of them are either self-employed or in the private sector.

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Besides, they do not have a permanent house of their own. However, one-tenth of the respondents are economically well off, and financially sound but they also feel insecurity and lack of physical and moral support.

Almost all the respondents are denied any right over the property. In a few cases, the in-laws declared that their son is denied to have any right over their property. Even in Andhra Pradesh some of the respondents transferred their bank deposit/assets to their sisters or parents in order to avoid claim from their deserted wife.

Though many of the deserted girls were living separately from their in-laws, they were still facing harassment, humiliation and exploitation by their NRI husbands and in-laws. They were also forced to live their lives in dissolution and misery. Most of the time the desertion of the girls affected the status of the family and the girls were treated as an unwanted person in the family. Because of the frustration and depression they would lose their self confidence and live under great tension.

In a particular case the victim had two sons (7 and 9 years old), when she was deserted. She thought they will support her in future but she was deceived by her husband when once he came to India and took away his sons to Canada. Now he has written to his wife that these two sons would make his life easy as he had plans to

marry them in India and get huge amount of dowry. Now the respondent is living in a state of depression as she had lost all hopes.

A peculiar case in Andhra Pradesh led to the death of the victimised woman after desertion. She silently suffered the physical and mental torture by her husband for the sake of children for more than 25 years, with the hope that once the children grew up, they would take care of her. But she lost all hopes as once, the children became older they also started hating her because their father had created a negative image about her in the mind of the children. Finally after the marriage of the children she came to India and filed a case against her husband for maintenance. Due to mental stress and strain she finally became a chronic heart patient and was admitted to a hospital. Her children and husband did not care for her health and finally she died in the hospital at the age of 55 years.

## **INFORMATION GATHERED FROM SECONDARY SOURCES**

An attempt was also made to interview the respondents from NGOs and professionals dealing with such cases in the States of Punjab and Andhra Pradesh. Following is the gist of the opinions expressed by them and some advocates and police officials dealing with the cases of NRI marriages.

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Respondents unanimously viewed that girls themselves were responsible for their pitiable conditions as they had a craze to go abroad by hook or crook. In this craze/desperation of going abroad these girls did not perceive ground realities and were totally ignorant about the measures to be taken to avoid their humiliation and victimisation. This allure is running like a cold wave in the entire Doaba region of the State of Punjab. Even guardian/parents of such girls were also dreaming to go abroad along with their married daughter(s). Thus, the virus of settling abroad and earning dollars, ruined many families not-only girls but also their parents socially, economically and psychologically and kept them under constant stress and strain.

One of the interesting facts which had come to surface now is that not only girls but boys are also becoming greedy to settle abroad with NRI brides. The e-mail facility is drawing them to the tantalising situation of western countries and they are also disposing their property including the land to get an NRI bride and enjoy life. The dowry demand for such a marriage by girls who were Punjabi or non-Punjabi was minimum Rs.20 lakh. The girls also cheated boys in the same manner as their counterparts cheated them. This was

leading high rural indebtedness of middle class families in Punjab.

The respondents felt that NRI boys treat such type of marriages as “holiday marriages” for enjoyment and lust. Their view was that once the NRI marriage got solemnised it was necessary to get it registered. Couple could be allowed to move outside the country together after getting visa and passport. In no case should one of the spouses be allowed to go abroad alone as it has led to cheating and destruction of the social institution of marriage and family. It was also suggested that processing of passport for one of the partners preferably female, should be at a faster pace to ensure that the pretext of taking wife abroad after passport and visa formalities were completely removed.

According to Shaila Kelkar, services co-ordinator, Asian Women's Self-Help Association (ASHA) “Most of our cases are women who have come in on H-4 Visas, who are the dependent wives of HIB Visa holders”. In 2001, for example, over 50 # percent of the South Asian Women Survivors and Clients ASHA saw were on H-4 dependent spouse Visas.

Most of the H-4 Visa wives are young (below the age of 30 years) and recent

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migrants. Most of them are highly educated and belong to higher income group, married between 3 months to few years and are either childless or have one child .

Due to the sensitive nature of the problem and silent sufferings of the Indian Women, “there are no statistics of domestic violence against Indian Women in the USA, because not much formal attention has been paid to the South Asian community in the broader academia here”, says Sonia Munshi, Programme Director of Manavi, a South Asian Women's Organization located in New Jersey. “We can try to quantify this problem only by looking at individual case load from individual agencies. At Manavi, for example, we get over 300 calls each year from women who are experiencing some form of violence”.

Daya, another International organisation working for South Asian victims of violence and abused in Texas tried to find out reasons for the abused violence. According to them the Culture and the traditional upbringing of the boys inculcated a superiority feeling and a right to get what they wanted even when it meant using violence to get it. Besides the process of immigration and acculturation can put additional stress on a relationship. The pressures of “making it” in the USA,

coupled with easy access to alcohol and the absence of extended family support, may exacerbate a potentially violent relationship.

According to Soma Dixit, even women want to get out of such untoward relationships, but are held back due to immigration issues. The spouses of H-1 Visa holders who are given H-4 Visas, have no right to employment; they do not have a social security number and no independent immigration status.

H-4 Visa holders have to live under the control of their spouse. According to Shivali Shah, an attorney offering legal counsel to distressed women, “often husbands will mislead their wives by saying that they have filed for permanent residency card and women hoping for a green card will continue the relationship” (Hindu, 28 November 2004).

Generally H-4 women and their families are under the impression that coercion and violence are part of only the lower classes. The parents believe that since their daughters have higher education and the grooms have good jobs in the USA, the marriage would be peaceful and joyful. The recent study conducted in the USA by Shivali Shah on H-4 Visa holders found that most women are Indian by birth or descent. Most are college educated, upper middle

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class, and English speakers with ambitions of good career. Most women had arranged or semi-arranged marriages. Their husband earned \$ 50,000 to \$ 110,000. None of the Women had their own assets or income source. One woman had Rs. 30,000 saved from earlier work in India-a pittance in dollars.

From the above evidences it has been observed that desertion of NRI married women

in India and the victims of domestic violence by the husband in the USA and other countries needs immediate attention from policy makers, governments and legislations to protect their rights. In this regard the services rendered by Manavi, Sakhi and other organisations helping victims of domestic violence in South Asian community in USA is to be appreciated for their advocacy and supportive services.







**SUMMARY OF FINDINGS**



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## Summary of Findings

### Major Findings and implications

Andhra Pradesh and Punjab states in India have a large number of NRIs working in North America, South America, Australia, Canada and the Gulf countries. More than two-third of the NRI marriages turned out to be fraudulent matrimonial alliances. There are thousands of such deserted women in India, especially in the states of Andhra Pradesh and Punjab. NRI-deserted women mostly belonged to middle and upper socio-economic class of families.

Andhra Pradesh, which is presently gaining importance in global market especially in the field of Information Technology, sends a large number of men from India to foreign countries. Many of them lure innocent brides from Andhra Pradesh informing falsely that they work in established companies. Only after marriage do the bride's family realise that they have been cheated.

The data collected from Punjab revealed that most of these marriages were arranged through relatives. The Anxiety of parents of girls had led to hurried marriages with NRIs without verifying their antecedents. The

brides dream of an affluent life abroad and therefore look to NRI bridegrooms to improve their social status in the society. The NRI husbands on their part lured women with the promise of a luxurious life abroad in exchange for a handsome dowry from bride's parents and then abandoned them within days, months or years.

The motives of marrying off the girl to a NRI boy were numerous. Marriage was considered a favourite ticket abroad not only for the girl herself, but also for the rest of the family. With the tightening of immigration rules, the old route to prosperity and citizenship in the affluent countries had become tougher. The increasing desperation of rural Punjabis and people in Andhra Pradesh to send their kith and kin abroad has made it much easier for unscrupulous men to seize the opportunity.

The modus operandi of these men would be to come to India after a working stint in the United States or Europe and to display ostentatiously their affluence and offer to marry local girls who could bring large dowries. Often, a holiday visit to their native village holds the promise of a

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temporary liaison with a village belle for the duration of their visit, besides a handsome dowry.

Also, NRI boys from Punjab under intense familial pressures do what their parents/relations want them to do. Many have no intention of taking their respective newly wed wives to the promised land, as many of them are already married there. They marry the girl(s) just to satisfy the demands of their parents and relatives and leave them behind in India to serve their parents. These girls act merely as servants of husband's family and generally were maltreated by them.

Most of the things are common in both Andhra Pradesh and Punjab except for one major difference. In Andhra there exists another group of deserted women which is a group of Muslim girls/women who are virtually sold by their parents to NRIs and foreigners (mostly from Arab countries). After marriage they are passed on to others. Most of these women return to India as deserted women. Women are thus oppressed in the name of 'Arbi Kalyanam' under which young girls from poor families are married off to Arabs, who visit India during the Monsoon season. The Arab visitors leave after some time leaving the women to carry the consequences of their 'short duration contractual marriages'. They

are thus abandoned and do not get any maintenance or other protection.

Ex-party divorces are also common among the NRI marriages. Here the boy would obtain divorce from foreign countries, where the brides got no opportunity to defend themselves. Due to the lack of evidences and absence of respondents in the court, the petitioner takes a long period to get justice. The delay in settlement of cases adversely affected the life of deserted women by depriving them of their prime years.

In both the states, at no stage do parents of the girl try to enquire about the NRI grooms, their previous marital status, profession, work place, income etc. The parents of the girl ignore the formalities like verifying the credentials of the prospective bridegroom or taking the precaution of getting the marriage registered. These marriages usually take place within a short period of time.

The data from Punjab revealed that the NRI husband usually concealed his premarital status even if he had already been married once or even twice or even having children. They do not reveal details of their actual profession, income, passport or even residence abroad. After enjoying hospitality, groom normally vanished into the thin air

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assuring his spouse that he would sponsor her later - a promise never fulfilled. In most of the cases, the boys' parents also leave the country taking along the dowry given to the girls, leaving the girls behind to fend for themselves. The parents of girls spend lakhs of rupees on marriage and "streedhan" and get their daughters married in good faith to NRI boys; the dreams of a peaceful conjugal life, of the girls which get shattered immediately after marriage.

Majority of victims thus never had a chance to go abroad along with their husband. This is due to their lack of knowledge about the procedures and formalities that they are required to fulfil to go abroad. They were either duped by their NRI husbands or by some professional lawyers who cheat them by charging thousands to lakhs of rupees in the name of arranging visa for their daughters. The ignorant victims and their families become prey to these professionals without any fruitful results. They become helpless and remain under debt for ever. The girls usually were forced to stay with their in-laws where they had to bear all harassment in the form of dowry demands, sexual harassment by male members in the family, beatings, torture etc.

If an NRI husband somehow happened to send sponsorship to his wife, it was

withdrawn at the last moment on some pretext thus disabling her from getting immigration. This again became the ground for NRI husbands to demand heavy cash from girl's parents to send sponsorship papers for their wives. If the wife by any chance succeeded in joining her husband abroad, her stay was either made miserable there or her stay was will-fully cut short. She was brought back home to India on some pretext, and deprived of her passport and other documents, leaving her as a helpless victim. She was badly abused by her in laws and became vulnerable to sexual harassment in the private sphere of her in-laws home.

The trend shows that usually girls and her parents do not seek any legal advise or counseling after desertion. They keep on waiting for compromise or reconciliation. Girls themselves are not willing to take any legal action against their husband with the hope that one fine day she will manage to fly abroad along with him. The social pressures also force them to keep quiet in this regard. They never disclose in society about his unwillingness to take his wife along.

After a prolonged wait and after having been left without any hope of mutual

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compromise their life become more miserable. They are denied any financial support from their husband/in-laws and become dependent at her parents place.

Another major problem faced by the girl's parents is the non-registration of FIR when complaints are lodged by victimized girls. Instead they are confronted with the insensitive attitude of police and insulting behaviour, the attitude which obstruct them from having an easy access to police. The in-laws take every measure so that FIR could not be lodged. Either action is not taken to register the FIR or the registration is inordinately delayed. Sometimes police also starts harassing the victimized girl by commenting that she had "loose character" and by asking sexual favours. Some respondents also complained that they get threats from the police officials not to lodge an FIR against her husband and in-laws.

It was not uncommon for the wife of an NRI in Punjab to consent to give divorce to her migrant husband to enable him to marry a foreigner and thereby get the citizenship of the adopted country. The bargain usually was that as soon as the man became the citizen of the foreign country, he would divorce the foreigner wife and return to remarry his original wife in Punjab. But in most of such cases, this rarely happened

and the wife was left to wait forever with her children.

Another problematic area was the ex-party divorce that accused NRI husband usually manages to get from courts abroad without the knowledge and consent of his defenceless spouse by presenting false information and fake documents. In many cases, such wives were even deprived of maintenance allowance from her husband. If, by any chance, she filed her case for maintenance allowance and got a favourable decision, the husband never sent it regularly. He would send the maintenance amount once or twice and then discontinued.

Victims also highlighted yet another major problem viz., non-registration of FIRs upon complaints of victimised married girls. The complaints were routinely referred to the district women's crime cell where obstructive attitude usually resulted in insulting behaviour and harassment.

The insensitivity among the police force to the issue makes the victims more vulnerable. Further, whenever accused NRI husband or his parents named in FIR visited their home-town in Punjab, no step was taken to arrest them or impound their passports. The Look Out Notice (LON) to concerned immigration authorities was

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usually not sent in time, thus facilitating the accused persons to escape abroad.

In most of these cases, girls' parents too become helpless as they had already paid a huge amount of dowry for the marriage and were usually under debt. The powerless

deserted, deceived and without any idea of their own identity, women had to bear the brunt of the effect of desertion. Nevertheless all of them had the support of their family to express their grievances and fight for their rights legally.







**SUGGESTIONS AND RECOMMENDATIONS**



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## Suggestions and Recommendations

Both from the primary data collected from the victims of desertion and on the basis of information collated from secondary sources the picture that emerges is that the problem of NRI deserted women is serious and requires to be attended to. Some suggested solutions which emerge from the study are as under:

The court registration of girl's marriage with the NRI under the Hindu Marriage Act should be made compulsory. The photograph of the NRI groom and his Indian spouse taken jointly should be pasted on the marriage certificate which should also include details of the groom's passport, country which has issued the passport, social security number, his residential and office addresses with contact numbers in the country of his adoption. The government should set up an agency to undertake the compulsory registration of all inter-country/NRI/foreign marriages.

Registration of FIRs should be made mandatory in cases of desertion. It should also be ensured that no name of any accused is deleted from the FIR. Arrests of all accused persons named in the FIR be effected without delay. Filing of challans in

the court should be expedited as per Clause 20(1)(B) of Hindu Marriage Act and it should be ensured that no FIR is ordinarily quashed.

After registration of the FIR, the local police should immediately send "Look Out Notice" to all Immigration Authorities to prevent the accused individual(s) from fleeing out of the country and to ensure that they are caught upon arrival at the Airport itself.

The accused NRI groom named in the FIR is a "proclaimed offender" and if he is holding an Indian Passport, the Indian Missions abroad should be empowered to impound his passport and send him back to face legal proceedings in the concerned court in India.

The Indian government should enter into bilateral agreement with countries having a large Indian diaspora to take criminal action against offenders on the basis of reciprocity, especially section 44A of CPC and Section 3 of Maintenance Orders Enforcement Act of 1921. Such agreement would enable recognition and enforcement of foreign divorce decrees, maintenance orders, child custody and other foreign

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orders. This will help women who are oppressed in the name of “Arbi Kalyanam”.

Upon registration of FIR, police should help the complainant get back her "stree dhan" and also the possession of her legal share of the moveable/immoveable property of her accused husband/in-laws, with ownership rights.

Matrimonial Property Arrangement at the time of marriage or after the marriage should be made compulsory and should be registered to help protect the property rights of deserted women. It has been reported for example that laws relating to maintenance allowance of deserted women was being flouted indiscriminately. It would therefore be necessary to enter the name of NRI married woman in the ownership record of ancestral/property of the husband within the country. This could help check NRI cheating and in initiating action against the NRI in case of fraudulent behaviour and will offer an economic support to the deserted bride.

Ex-parte divorces taken by NRIs from courts abroad should not be recognised as legally binding in India. The Central Government should bring legislation on the lines of recommendations of the Apex

Court. The accused NRIs who, on the basis of ex-parte divorces abroad, ventures to re-marry in India, should be debarred from doing so and if married be prosecuted against for bigamy and criminal proceedings against them should be initiated. The Ministry of External Affairs needs to work out a Memorandum of Understanding (MoU) with European countries as also United States, Canada, Australia etc. for repatriation of grooms violating Indian laws after marriage in the form of ex-parte divorce while living abroad or getting into marriage alliance in these countries.

The strictest legal measures need to be taken to provide relief to the married women deserted by their NRI husband(s).

Marriage bureaus need to be set up in all districts of Punjab for the purpose of pre-marital and marital counselling to overcome the problems cropping up due to alluring marriages.

Media can play an important role by highlighting adverse effects of marrying NRI in a hurry without adequate verification as this could lead to perpetual social and economic poverty. The imaginary prestige of elevating the family status by marrying their daughters to NRI grooms needs to be checked. This can be done by media

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particularly vernacular newspapers, television, radio and drama/plays. Media must play a pivotal role in creating awareness regarding such fraudulent marriages to ward off adverse situations.

Indian Diplomatic Missions abroad must help the victims of such marriages. This could be done by setting up a Special Cell for attending to NRI Marriage problems in the Ministry of External Affairs/Ministry of Overseas Indian Affairs.

NGOs and other civil society organisations, which have linkages in other countries, should be involved by the government to play an active role in curbing the menace of desertion by NRI men. This could be done by the NGOs which could help in checking the antecedents of bridegroom(s) and recommend them for marriages. They may also identify volunteers in the different cities abroad who could help victims in tracing the whereabouts of such grooms. This would be possible if the Government (Ministry of External Affairs in particular) and NGOs make a common cause to help victims of desertion and to prevent its recurrence.

Any such “holiday marriages” that comes to the notice of authorities should be treated

as a rape case, brought under Rape law to enable booking of cases against NRIs who desert their wives, under section 371 of the Indian Penal Code.

Rehabilitation and support services should be provided to deserted women such as shelter homes, legal aid, vocational/ skill training etc. Family courts and women's protection cells may be established in the affected districts. Lok Adalats could also be conducted frequently in the affected regions to bring about speedy settlement of disputes.

Counselling centres in police stations should provide support to the victims. There should be a provision of legal aid cell in all district headquarters to provide information regarding matters related to dowry, divorce, maintenance, child custody etc. They should also provide information with regard to visa, passport and other statutory needs for stay abroad.

Police and judiciary needs to be sensitized towards this serious social issue of desertion of married women by NRIs. This would go a long way in providing support and humanitarian treatment to victims and ensure speedy judgements of such cases of violence against women.





**CASE STUDIES**





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## Case Studies

### Case Study 1

#### **Meena (name changed) from Mukerian, District Hoshiarpur**

Meena got married to Mr. Kulbir Singh (name changed) of Distt. Gurdaspur on 20th February, 2002. Kulbir Singh has been settled in Hong Kong for the last seven years. After marriage he went to Hong Kong on 6th April, 2002. He had sent her sponsor letter in the name of Pal Singh instead of Kulbir Singh for tourist visa of Meena and Mrs. Vimal Kaur, (name changed) wife of his elder brother and informed that they need Rs.75,000 as show money which they must get from Monika's father. Monika's father, Sardar Gurnam Singh arranged the amount of Rs.75,000/- and on 29th June, 2002 both Meena and Vimal Kaur flew for Hong Kong.

After reaching there Meena came to know that Mrs. Vimal Kaur was staying in Hong Kong for last 6 years with Meena's husband. Meena came to Hong Kong with all the sweet dreams of a happy married life. Kulbir Singh and Meena had undergone the formality of court marriage in Hong Kong but with the changed name ie. Sardar Pal Singh. At the time

of court marriage Meena was surprised to know that he is holding Indian passport in the name of Pal Singh and not as Kulbir Singh. She tried to ask her husband about the reason for this change in name but he somehow ignored her and asked her not to take it seriously.

For the first few days she was very happy and enjoying her married life. She brought her educational certificates so that she can also search for some job and both of them will lead a comfortable life. After some time she noticed that her husband and Bhabhi were becoming very intimate with each other. Meena got another shock of life when she discovered that her husband was having illicit relations with his “bhabhi” for last 6 years and this marriage was just a formality to keep their relations ongoing. Moreover they wanted a housekeeper for them. She also found that her real name was Vimal but she was also holding Indian passport in the changed name Ranjeet.

The moment Meena came to know about their relations, both of them started torturing her. She used to do all the household work and was treated just as mistress to them. She was tolerating all the harassment, humiliation and torture with the hope that the time will come

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when her husband would realize his mistake and will accept Meena as her wife. But for the 3 months of her stay in Hong Kong she was getting frequent beatings from Kulbir Singh, she was confined to one room, not allowed to move around or ring up anywhere etc.

As she had come to Hong Kong on tourist visa only for 3 months, she was sent back to India with the assurance that she will be called back soon. She was not allowed to carry any of her educational certificates with her. All her gold ornaments and education certificates were retained by Kulbir Singh and Vimal Kaur. After coming to India Meena started staying with her in-laws. Fate was not in her favour. She was being tortured and repeatedly beaten by her in-laws. She also had 3 elder brothers-in-laws. She was also sexually harassed by her brothers in-laws. They started demanding Rs.2.5 lakhs from her parents in the pretext of sending her again to Hong Kong.

On one occasion her in-laws informed her that Kulbir had sent sponsorship for her and she had to go to Delhi for processing the papers and getting visa. One of her brother-in-law accompanied her to Delhi. On arrival in Delhi they directly went to a hotel instead of going to Embassy. Meena asked her brother-in law to go to embassy but he was reluctant and forced Meena to stay in hotel with him if she wants to join her husband abroad. Meena somehow

could be able to run away from there and reached her parents' place.

After some time her in-laws tried to solve the problem through one of their relative. They requested Meena's parents to send her back to them with the promise not to torture her anymore and definitely to send her to Hong Kong. Meena came to her in-laws house with some hope which got shattered when they again demanded Rupees 2.5 lakhs. When she refused to get the amount, his brother-in-law beat him. After few days she was sent back to her parents house and ordered to come back only with Rs.2.5 lakhs. Her passport and copy of marriage certificate were kept by her in-laws.

As her father was not able to arrange for Rs.2.5 lakhs, he was greatly depressed by the mere thought of not able to send her daughter to Hong Kong. Her father Sardar Harnam Singh talked to one of their relative who was involved in settling Meena's marriage with Kulbir Singh. He just refused to do anything for them. Later on Meena's father came to know that he just acted as middle man (dalal) and charged Rs.20,000 and a Gold ring for arranging this marriage. He only compelled them to marry their daughter with Kulbir assuring them of everything good about Kulbir's family.

Not left with any option and any hope for betterment they lodged a complaint against Meena's in-laws in NRI Sabha Gurdaspur. They

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called her in-laws 6-7 times to counsel them and threaten them to behave properly with Meena. When the complaint was also lodged with the police, her in-laws very dramatically came to her parental home, apologised, and requested them to send Meena back to their home promising not to torture her again. Her parents once again believed them and sent their daughter with them.

Once Meena's uncle came to her house to know about her well being and shocked to see Meena living just like prisoners. They misbehaved with the uncle also and threatened him to kill Meena. He could not meet her as her mother-in-law never allowed Meena to come outside, nor allowed her uncle to enter the house. He went back without seeing her niece. Sensing the threat to her life Meena some how managed to run away from her in-laws home at midnight, spent the night at a lonely place on road side, early morning boarded a bus and reached her parents home. That is how she saved her life. Then they gave an application in Punjab State Human Rights Commission, lodged complaint in women's cell and also lodged FIR in police station.

Her in-laws influenced everybody including ASI, Investigation Officer and Advocate also by giving them bribe. They again approached the Chairman, Punjab State Human Rights Commission, still getting dates one after the other and waiting for justice.

## **Case Study 2**

Ms. Raj (name changed) presently serving as a teacher was living with her mother, father, brother and sister-in-law. Her father and brother had their own agriculture land. Raj got married to Sardar Bhagwant Singh (name changed) on 27 June, 1983. Ms. Raj was 21 and Bhagwant Singh was 24 years of age at the time of marriages. Bhagwant Singh came from Singapore to get married. One of his relatives proposed to Raj's father and the marriage got fixed within a week. Everything was settled in such a hurry that the parents of Ms. Raj never thought of any enquiry before arranging the marriage. Raj was satisfied with the proposal and very excited to visit abroad after marriage. The marriage was performed within a week with all the religious rituals but it was not registered any where.

About Rs. 5.0 lakhs were spent by the Raj's parents on marriage. The dowry was given in the form of cash, household items, furniture, and jewellery as demanded by boy's family prior to fixing up the marriage. The girl's parents had to sell off the land owned by them to fulfil the demand. They were desperate to send the girl abroad and never thought of anything except marrying her off at any cost to a NRI.

Bhagwant Singh stayed for two months with his wife after marriage and went to

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Singapore. Raj gave birth to a baby boy. Her husband came back to India after one year (1984) stayed with her for 3 months and left for Canada as refugee. Raj gave birth to her second son.

Bhagwant Singh never came to India for 9 years. In the year 1993 he visited India. During these 9 years the life of Raj was made hell as her in-laws tortured her brutally. They applied electric shocks on her, tried to give poison to kill her. They tried to get her killed through their accomplices. When she complained about this torture to her husband he used to console her by promising to send sponsorship papers and make arrangements for her visa. He always pursued her to stay with her in-laws inspite of all this maltreatment on the basis of false promises to take her along.

She had to wait for endless period of nine years. After 9 years (1993) Bhagwant Singh came to India and enjoyed hospitality at Raj's parental home. He brought few gifts for his children and for Raj also. Every time he used to come to India, he would leave Raj with the hope of taking her along with him which he never did. After two months stay he flew back alone to Canada. After he left the country Raj was surprised to know that during her two months stay in India he adopted a girl at Ludhiana. Later on in 1995 he sent sponsorship to that adopted girl for Canada. The deal was settled in Rs. 15

Lakhs with the girl's parents. Bhagwant came to India again in 1995. But this time his motive of coming was very different. He got that adopted girl married to a boy in Ludhiana itself and charged Rs. 18 Lakhs from boy's parents also. Raj clearly understood that Bhagwant was playing as an agent for sponsoring young boys and girls to Canada. He was earning a huge amount of money.

In the year 1996 again he visited India and stayed with Raj for two months. This time also he convinced her that he will definitely take his family along with him. She made all the preparations for herself and both the sons. All of them came to Delhi to board the flight. Bhagwant's parents, brother and sister-in-law also came along to see them off for Canada. At the Airport he handed over a close envelop to Raj saying it to be her sponsorship papers. He tactfully went inside the airport with both of his sons and asked Raj to wait outside until he calls her. She waited outside with her in-laws for two hours and kept on asking them about Bhagwant. They asked her to go to the entrance gate to enquire about the flight and show her sponsorship papers to get inside. The gate keeper opened the envelope and showed her all the blank papers which her husband gave her. She was also informed that the flight by which she had to go had already left. She made a lot of hue and cry at the airport but to no avail. Her in-laws were also party to this mischief. This time

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her husband succeeded in taking her sons too, leaving her all alone. She was bringing up her sons with the hope that they will be a great support for her during her old age and difficult times. Her husband snatched away her sons leaving her for a miserable life with her in-law. She got very depressed and missed her children very much. Her in-laws consoled her by saying that he will sponsor her on the basis of their children after reaching Canada which never happened till date.

After this incident he came to India in 1998, 2000 and 2003 subsequently. Every time he visited India, he demanded cash or kind such as car, plot etc from Raj's parents. After 1996 on his subsequent visits to India he never stayed with Raj. He used to threaten her to fulfil his demands otherwise he would divorce her. Raj tolerated all the torture for almost 25 years. Still she is hopeful to join her children abroad. Bhagwant who cheated Raj for twenty five years, never intended to take her along with him, still writes letters to her saying that he will send sponsorship to her.

The last letter received by her was written in April, 2004. He mentioned that let their sons grow up, and then he will adopt the same modus operandi. He will encash lakhs of Rupees by marrying both of his sons in India, demanding a heavy amount of dowry and become millionaire.

After so many years Raj wanted to get rid of all the misery she had undergone. She succeeded in getting the FIR lodged in November, 2001 only. Case was registered under 498 A, 406, 506. Challans have not been filed as yet. Police has also become party to everything. Bhagwant Singh paid a heavy bribe to police officials and no action was taken against him. He blamed her for her “loose character” and placed wrong allegations on her. Police is also harassing her. She is not getting any support or help from any front except that she is working and earning her own livelihood. She has been tired of all these happenings but still has hopes to reconcile with her husband. She is desperate to see her children but she has left everything to her fate.

### **Case Study 3**

This is a typical case of Simran (name changed) who is well educated, belonged to a decent service class family. She was happily living with her parents and brother when one of the relative of Gurpreet Singh made a proposal to her parents for her marriage. Both the families belonged to same place and were distantly known to each other. Simran's parents without giving any second thought agreed to the proposal. Gurpreet was known to be settled in Russia.

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She got married in 1990 to Gurpreet Singh (name changed) with the religious rituals. Her parents also gave huge dowry at the time of marriage. Gurpreet stayed with Simran till 1996. She gave birth to a baby girl. During these six years her in-laws were always misbehaving with her. They also used to instigate Gurpreet against Simran. Simran tolerated everything hoping to go abroad with her husband. In 1996 Gurpreet alone went to Russia and then started the horrible phase for Simran. Her in-laws started torturing her physically as well as mentally. They snatched her election card and all educational certificates etc. She was not able to get her passport made.

She tried to contact her husband but could not succeed. Actually from Russia he smuggled himself into Germany. This was not in the knowledge of Simran though his parents were well aware of his movements. Gurpreet did not give her any contact address or telephone number after he left India. In Germany he married a SShe was able to lodge the FIR only in 2003 ie 7 years after her husband left for Spain. She could not lodge the FIR earlier than that even though she was aware of the fact that Gurpreet Singh got married again in a nearby village in Punjab. She faced torture and harassment by her in-laws and her husband. They even tried to kill her. The police also humiliated her all the time whenever she had

gone to lodge complain. They demanded sexual favours from her to lodge FIR. She stopped going anywhere and tolerated all the torture quietly. Left with no chance of support from law enforcement agency and society she started hunting for a job as she has already done M.A., B.Ed.. She got job in a private school with the condition that her personal life and her problems will never be reflected in job. She gets regular threats from school authorities for not to indulge in any legal action against her in-laws and husband.

The parents of school students also show their resentment on the issue. They are afraid that what moral she will teach to their children if she herself is going to file a case in court against her husband. It is such a sorry state of affairs that nobody is sensitive towards her problems. She has a teenaged child (girl) who is also living in trauma. Life has become a nightmare for them. They are living in a rented house. Her parents are no more and there is no one from her parent's side to support her.

She is trying to pursue her case so that for the rest of the life she can live peacefully. She herself does not have any interest in life but she has to look after her young daughter.

She was able to lodge FIR in 2003 with the help of Lok Bhalai Party. After the FIR Gurpreet Singh's parents declared that Gurpreet

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has no right on his parental property. Now that Gurpreet Singh has no right on his parent's property he would not be able to pay maintenance to Simran and her daughter. This procedure is adopted as a trick to avoid paying maintenance to the wife and children after separation. This is the pledged of the deserted women who were married to NRIs in Punjab. In most of the cases victims experience non-cooperation from police in registering FIR and taking action against the accused persons.

### **Brief discription of few cases from Punjab**

Manjeet Kaur of Ropar got married on 17 January 2001 to Gurucharan Singh who was earlier married to-a German girl and had two children-a fact he had not disclosed before marrying Manjeet Kaur. He was in Germany, Indian Mission in Munich contacted him. He said he was in the process of divorcing his German wife, which he had not done till date. He, however, agreed to send maintenance money to Manjeet Kaur, and sent Rs.5000/- twice. Manjeet Kaur wanted to save her marriage but the intentions of Gurcharan Singh are now clear. She has now decided to file an FIR against him.

Kiran Bala got married on 13 February, 2000 to Vijay Kumar of Navanshehar. After marriage, she visited her husband in Canada

once but after 4 months' stay there, her relations with her husband became indifferent and insoluble. She has now been deserted and is living with her parents in Ludhiana. She has got FIR registered and her case for maintenance allowance from her husband has been decided favourably by the Court. However, she is pursuing her case with the local police and insisting that "Look Out Notice" be issued by Senior Superintendant of Police, Ludhiana so that whenever her husband or father-in-law visit India, they should be arrested and produced before the court. Last year or so, her father in-law came to Punjab but on a tip-off (her father in-law has huge property and bank balance in Nawanshar). The local police has not yet filed a challan in the Court after registration of her FIR.

Baljeet Kaur of Ludhiana got married on 16 November 1986 to Harvinder Singh. After marriage, Baljeet's husband and in-laws demanded Rs.4.5 lakh cash and she was not in a position to fulfil this unjust demand which resulted in her maltreatment. She is now living as unwelcome dependent with her parents at village Hiattapura. She complained to the local police but till date her complaint has not been registered as FIR. On the other hand, she is being given physical threats.

Anjit Kaur of Ludhiana got married to Sardar Jagdeep Singh on 6 October 1998. Anjit

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Kaur was harassed for more dowry and more cash. She filed an FIR and her accused husband was arrested at the airport while fleeing the country. She got ex-parte divorce on 28 January, 2003. However, before the date of divorce, Jagdeep had got re-married in August-September 2002 and had a child from this union. He thus committed a fraud. He has three Indian passports - two are in custody of Police Station-Sudhar and the third passport in the Court's custody.

Ramanpreet of Chandigarh, being a deserted married girl was instrumental in organising a peaceful 'dharna' at Matka Chowk, Chandigarh on 30 January 2004. She also submitted a memorandum to the Punjab Chief Minister, detailing therein causes and possible solution for the marital problems of girls deserted by their NRI husbands.

Madhubala married Naresh Chandra of Phagwara on 5.2.1998. After marriage, Madhubala went to London to join her husband, who is British national, and paid Rs.40,000/- as her air fare. She was maltreated and brutalized there by her husband. She was compelled to return to India and on arrival her in-laws kept her passport in their custody. On her complaint, the Chief Judicial Magistrate, Hoshiarpur has since declared her husband as "proclaimed offender". Her case was referred to Indian, High Commission in London. They have

suggested the course of "extradition proceedings".

Manju Sharma got married to Shri Manoj Kumar in February, 2003. Marriage was through media advertisement. Manoj Kumar had claimed to be "Australian citizen" but in reality he was found to be holding Indian passport with Indian nationality. After the marriage, he got Rs. 2 lakhs from the girl. He also sponsored her and got visa. But, there was a condition that she should bring Rs. 5 lakhs. She told this to Australian High Commission who cancelled her visa. She is deserted and living with her parents in Kangra in frustrated mood. FIR is registered at Kangra but the local police is not taking any further tangible steps. Even the Indian Mission in Sydney to whom the case was referred is not helpful. Her cause is in limbo.

Poonam Rani of Jogeon married Shri Parveen Saini on 12.11.2003. Parveen Saini is holder of Canadian passport. He was already married-a fact he did not divulge at the time of marrying Poonam. This caused deep friction. When she insisted on getting their marriage duly registered, her husband evaded it and quietly fled to Canada. She was then turned out from her matrimonial home. She lodged a complaint with the local police. Lok Bhalai Party also took up her case with Poonam's mother-in-law in Chandigarh, and with due pressure from the police also, Poonam's



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mother-in-law agreed to compromise and gave Rs.3.5 lakhs to Poonam as final settlement. Poonam's parents agreed to this settlement for the sake of their daughter so that she could re-marry, if necessary.

Harjit Kaur is Canadian national. She got married to Kulbir Singh of Nawanshehar on 22.2.1996. After marriage in Punjab, she took her husband to Canada and on reaching there he told his wife that he had consented to marry her just to gain entry into Canada but got estranged from each other. After 8 years' stay in Canada, Kulbir came back to Punjab, and without divorcing Harjit Kaur, got re-married with another girl at Raikot, Ludhiana, on 16.1.2004. On learning this fraud, Harjit Kaur came back and got FIR registered against Kulbir Singh who remained in judicial custody for 56 days and his Canadian passport is in Court's custody. All precautionary measures to debar Kulbir Singh from fleeing from India have been taken.

## **Case Studies- Andhra Pradesh**

### **Case Study 1**

Rafat Fathima aged 26 years from a lower middle class family, educated to primary level got married in 1996. Her father is a pensioner and she has four sisters and one brother. The marriage was arranged through a broker and performed as per Muslim law. Her husband aged 30 years is working in Muscat. At the time

of marriage her parents gave a cash amount of Rs. 15,000/- and valuable articles, and spent an amount of Rs. 50,000/- for marriage arrangements.

After 2 months of marriage her husband left for Muscat leaving her behind with his parents where she was harassed by them to the extent that she was compelled to starve most of the days. She had no contact with her husband, nor her husband tried to find about her well being. For nearly two years and seven months, she stayed in his house with this harassment. After that she was unable to bear the harassment and went to her father's house. Since then she is living with her parents without any maintenance from husband's side.

After leaving the house she informed her husband about the harassment and her pitiable condition and requested him to make arrangements for her maintenance. He turned a deaf ear and did not even reply a single letter of the respondent. She also sent a fax message to his employer but received no response. She tried all efforts to get maintenance from her husband, but it was of no use. He was earning nearly Rs. 20,000/- per month and had sufficient means to pay maintenance to her. However, he was willfully avoiding her and trying to get married to some other lady. When she came to know about his new marriage she filed a case to the family court in Hyderabad for

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her maintenance and divorce. She claimed rupees 5000/- for her maintenance from him per month from 1999 onwards. The case is under trial.

She said that if she stays with her parents they compel her to marry someone who will be an older person in all probability a Arab Sheikh who is willing to pay. She is not interested to get married again. She wishes to live independently. She needs some security for her future life. According to her, the Government should take necessary action to get speedy judgment in such cases and adequate maintenance from the husband. She is very much against the Triple Talaq in Muslim law. Most of the Muslims practice polygamy and desert many poor women. She has strong views about change in the Muslim personal law.

## **Case Study 2**

Ms. Begum, 35 years old, belongs to a poor Muslim family of five children. Her father died recently. She is illiterate and can only sign her name. At the age of 14 she got married to 37 years old Iranian through a broker. The Iranian was 37 years old at the time of marriage. Because of poverty her parents literally sold her to this old Sheikh for Rupees 7000/- and two tolas of gold without doing any enquiry about him. He was working as an attendant for the Diwan of Doha City. The marriage was

performed according to the Muslim Sunnal-ul-Zamal religious rituals. The marriage was also registered in 1983 at Andhra Pradesh Wakfs Board, Hyderabad under Andhra Pradesh Government letter No 2074/wakfs/69-29, dated 7-7-1973 under Indian law.

After the marriage, she stayed with her husband for 2 months at her residence. He used to give money for all their expenses during his stay. After 2 months he left for Doha and promised her that he will arrange her visa shortly. It took nearly 7 years for getting her visa. In the meanwhile, he visited India thrice. He wrote letters and called over phone. When he visited India he would give Rs. 2000/- to 3000/- to meet her expenses.

After 7 years her father arranged her passport and her husband sent visa for her and she went to Doha. After few days of stay in Doha she was sent to Iran where her in-laws were living. Then only she came to know that he is an Iranian and she was his 3rd wife, the other 2 of them died due to ill health. He was not having any children; as he was impotent. As soon as she reached Iran, he changed her nationality from Indian to Iranian by taking her signature and she got the Iranian passport.

After 2 weeks stay in Iran they returned to Doha and he started ill-treating her physically and mentally for no reason. He forced her to

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have sex even when she was not well. He also suspected her fidelity and blamed her that she had illegal contact with his friends. Very often he brought his friends home for dinner. If anyone talked to her, he would suspect her, beat her and abuse her after they left the place. Sometimes he would lock her up in a room and give food only at night. She was not allowed to talk to her parents or any one else over there. She requested him to send her back to India for seeing her parents. Meanwhile her father died due to ill health. She cried a lot but to no avail. He said if you want to go from here, you go to Iran to serve my family and brothers, but you will not be sent back to India. Whenever she asked to be sent to India he would beat her. In the meantime she lost two of her sisters due to ill health.

In August 2003, she received a telegram from her uncle that her mother was sick and she wants to see her daughter. Then too he refused to send her to India. He warned her about asking repeatedly to go to India. Finally she went on fast for 4 days without food. She said she wants to go to India otherwise she will die. Finally he agreed to send her to India for 45 days visiting visa to see her mother. She was given Rs. 7000/- for her expenses.

After her father's death her mother was working as maid servant in 3 to 4 houses for her survival. After reaching Hyderabad she felt

very happy and shared her 14 years of imprisonment abroad and the story of her harassment. She felt that she was free from that jail and from the clutches of the cruelty of her husband. As per the advice of her relatives she lodged a complaint in the office of the Commissioner of Police, Hyderabad on the 24th September 2003, and decided not to return to her husband's place and also to get back her Indian nationality. She could not tolerate the ill-treatment of her husband any more, and decided to get 'khula' divorce. She got the triple talaq in September 2003. A Quasi pronounced the talaq in the presence of two more persons.

She is now living with her mother engaged in preparing safety pins and paper covers. They get around Rs.30/- per day. Her relatives helped her in filing case and complaints. Now she is a divorcee as per Muslim law and has to follow the Iddath period.

She is again trying to get her Indian citizenship, for which she has already approached the authorities. She has approached the embassy office and submitted an application and complaints to the Iranian Embassy. She has also approached the Qatar Consulate-General, New Delhi through correspondence to declare her an Indian citizen and to communicate the acceptance of her divorce as per Mohammedan law.

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Finally on 19 February 2004 she put up a case in the family court, civil court, Hyderabad for dissolution of her Marriage. So far she did not receive any direct communication from her husband though he had completed divorce as per Mohammedan law. As she has not received any written document, hence she approached the honorable court for protecting her from her husband by passing a decree for dissolution of marriage. The court also sent him notices. The first 'peshi' was also completed but her husband did not attend, nor responded. The case was adjourned to June 2004. She has not received any financial support or maintenance from her husband till date.

She felt that for illiterate and poor people government should provide legal support and also provide some counselling and education to cope up such kind of situations.

She also suggested that the government should take proper measures to control the Arab marriages and not allow them to marry from India. Muslim personal law also should not allow the men to marry as many times as they wish. She also requested to be given some skill training to get some income for her survival.

### **Case Study 3**

The victim, is a Christian, aged about 30 years, belongs to a middle class family. Her husband, aged 35 years is resident of Charlotte,

USA. Their marriage was performed in 1999 as per Christian rites and customs. He is a software engineer. She has also completed her engineering. She got married at the age of 25 years. As per the demands of the bridegroom's parents at the time of marriage the girls parents gave an amount of Rs. 3,00,000/- in cash, Rs. 50,000/- worth household articles, Rs. 50,000/- worth of gold ornaments and Rs. 50,000/- for other miscellaneous expenditure. Her parents have only one daughter and two sons. Since the boy was from USA. The girl's parents were happy and they did not have any second thoughts when the proposal came through a marriage broker. Moreover, the boy had only 15 days time, so without further enquiry they fixed the marriage in a hurry. After marriage he left for the USA and promised her visa immediately. Accordingly after 3 months she got her VISA and joined him in States. She got a Green card in November 2002 in USA.

After three months her husband started harassing and ill-treating her. He used to beat her mercilessly, and demanded more dowry from her parents. He became an alcoholic and began seeing other women. He did not show any interest in her and threatened to divorce her. The harassment increased and he did not allow her to talk with her parents over phone.

Meanwhile, for a period of one year her husband lost his job; during that period her

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parents helped him financially. Again, after he got job, he started ill treating her and totally isolated her from the rest of the world. He would lock her in a room and bring other ladies to his house and have relationship with them. She tolerated all the harassment, torture caused by him in the hope that he will change and repent and treat her well. But all attempts were futile. She was very much afraid of him and his family members. This harassment continued and once he beat her and kicked her out of his life. Having no other alternative she was forced to come back to India. Then her parents and other relatives informed the in-laws about his behaviour. His parents supported their son and unnecessarily blamed her and abused her with vulgar and filthy language and bluntly refused her. Her parents tried to convince them to settle the matter but his parents openly declared that their son is not willing to continue relations with her as his wife. He wanted to get a divorce. She decided to file a case against him for divorce and maintenance under Christian marriage law. Accordingly, she filed the case in the Vijayawada family court. The case is under trial.

The respondent and her parents had a strong view that the government should take proper measures to punish the offenders in NRI cases. Parents should think twice before finalising marriages of girls with NRIs. They should have a complete enquiry about their status abroad,

character and employment details etc. She had the opinion that a special cell must be established in India to check the NRI harassment.

#### **Case Study 4**

Ms. Geetha was working in a bank. She got married very late, at the age of 35 with a man working in Dubai, through newspaper advertisement. He gave false information that he was working as a computer engineer. He also belonged to Hyderabad. Within a month after marriage she resigned from her job and they left for Dubai. He did not demand any dowry for marriage, but her parents spent on all expenditure and gave Rs. One lakh to the boy towards marriage expenditure. After reaching there she came to know that she had been cheated and he does not have a permanent job. There, he forced her to work and she got a job in Muscut. She worked for nearly one year, while he was living in Dubai without any job, rather on her salary. He would take all her salary and enjoyed the life lavishly. The Geetha was staying alone and working in Muscut She was forced to send money, otherwise he would threaten her life. She came to know that he was enjoying life with other women in Dubai which made her very upset.

After a year she informed everything to her parents. They were very upset and asked her to come back to India immediately. She returned

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to India, and filed a case for divorce. Finally after a year she got divorce. She was finding it difficult to cope up with the life. Her father was a source of support for her. who advised her to rejoin her job. She became very depressed when she lost her father after 6 months. Now her friends and family are giving her moral support through counselling and trying to help her to come out from mental distress.

She felt that parents should thoroughly enquire about the boy before taking any decision in order to avoid fraud and being cheated. Law should be stringent to punish the cheaters. Counselling must be provided for women in distress. For poor deserted women government should provide some provision of maintenance.

### **Case Study 5**

Ragini aged 26 years, residing at Hyderabad, has been deserted by her husband Ramu, who was working as software engineer in USA. Decree of divorce has been granted. Her marriage was solemnised as per Hindu customs and rituals with Ramu on 13 January 1998 at Ati, Chittoor district of A.P. The marriage was arranged within a week because the bridegroom had to leave immediately. At the time of engagement, the bridegroom party demanded a dowry of 10 lakh. Which, after negotiations, came down to a cash of Rs. four

lakh in addition to gold worth Rs. three lakh and silver and other articles worth Rs. one lakh. At the time of marriage Ramu introduced one of his girl friend who accompanied him from USA to attend his marriage.

After marriage, within a week the boy had to leave. Before that he demanded a house, which her parents wanted to give her. Documents were made in both husband and wife's name. That house costed around 10 lakh. Then immediately he changed his stand and demanded her to transfer the house in his name alone, otherwise he said he won't take her to USA.

He used to move around and stay with his girl friend. Though the respondent got shocked by this behaviour, she did not reveal it to her parents. She thought he will change after the departure of that lady. Meanwhile her in-laws also started harassing her by asking the details of her parents' property. And they began demanding more money. They demanded another one lakh rupees to take her to the USA. This demand was also fulfilled by her parents and he took her to America after a month.

Before their departure, the so-called girl friend of her husband reached America and she was waiting his arrival. There Ragini faced all cruelty and harassment from her husband. She was treated as a servant. He was enjoying life

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with the other lady as husband and wife. She could not reveal this to anyone, not even to her parents because, she was isolated and had no contact with the outside world.

She was totally depressed and silently suffered the torture. Meanwhile one day her in-laws called her in the absence of her husband, so she revealed the facts and his connection with the other lady. They took it very lightly and said they knew their relation even before marriage and this is quite common in the USA. She was astonished by the words of her in-laws and then only she came to know that her husband was already married and this marriage was only for dowry. He wanted to invest the amount in his business in the USA. Again he was demanding another Rs. three lakh to invest in his business with his girl friend.

The respondent and her parents were not willing to deposit anything, because they became aware of the intentions of the boy. She filed a criminal petition against him in the family court. The copy of the case was served to him through the embassy. In the first trial due of the absence of the party the case has been prolonged.

The girl stayed with the boy only for 2½ months in America. After that she was deserted and there was no question of a reunion. She filed a case for divorce and hope he will be

punished under criminal procedures, and will be forced to return all her property. She suggested that when the parents give dowry, there should be a clear account and some valid documents should be made. They should not simply pay the amount. It should be given in the name of the girl.

### **Case Study 6**

Radhika the only daughter of her parents is from a Hindu Brahmin family and completed her MCA. She was very good in her studies, and socially active. After completing her MCA she was looking for a good job. In the meanwhile this marriage proposal was made by one of her relatives. The bridegroom party also approached her family for alliance. The boy was an engineer working in the USA. Without any second thought or enquiry her father agreed for the alliance. The boy's family demanded Rs. 5 lakh gold and silver articles. But her father said they could give only Rs. 3 lakh and 20 tolas of gold as dowry. After negotiations the bridegroom's party agreed for marriage. She was also fully convinced for this marriage because she thought after marriage she could go to the USA and get some job there because she had an MCA degree.

The marriage was performed on 9 May, 2001 in Secunderabad, under Hindu religious rituals. Since it was a Brahmin marriage, they

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had to follow many rituals and formalities. The registration formalities were also done in the presence of the Registrar. At the time of marriage 20 tolas of gold, silver articles and furniture worth Rs. one Lakh was given. Besides, his sister and mother gave a list of items and articles to be needed at the time of marriage. When she was brought near the mandapam the bridegroom and his parents started demanding another 2 lakh in cash. He refused to tie the matrimonial knot until they gave 2 lakh. But her father was not able to arrange the money immediately. He requested for some time, but he did not agree. Without getting another 2 lakh they did not want to tie the matrimonial knot and take her to their residence. The bridegroom and his family members left the marriage hall.

On the next day of the marriage, she appeared at Mahila police station Begumpet and registered a criminal case against her in-laws. This incident made her and her parents shattered. Her father even went to his house and requested them again, but they did not even allow them to enter their house.

They waited for a year thinking that the boy will change his attitude and come back. But it was of no use. Finally her relatives and parents decided to file divorce case against her husband, though she had not had a marital life. Her marriage was registered hence she had to get a divorce. She filed the case at A.P. Women's Commission, Secunderabad on June 2002. After a year of waiting she decided to take up a job and accordingly she joined a software company in Chennai. She got all moral support from her parents and they advised her to forget all the past and lead a happy life. She frequently visits her parents and she wants to continue her job in Chennai.

Her case is in Mahila Lok Adalat, but has not been settled due to the absence of her in laws and husband. She suggests taking serious steps to settle the cases soon, which will help to reduce the tension of her parents.

Her suggestion is that one should not blindly believe the NRIs. Without making thorough enquiry about their whereabouts parents should not fix marriages. Besides, the government should punish such men or imprison them for dowry harassment.





