

Issues and Challenges Faced by NRI Abandoned Wives



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Abstract

Marriage as an institution allows men and women to enter into family life. It is considered as a sacrament and a stable form of relationship in which a social sanction is granted to the couple to procreate their children. From Punjab it is a decades old practice to go abroad and to settle down there. Marriage with an NRI came to be an outcome of the easy way of immigration also. Canada is one such country where Indians and especially Punjabis are found in abundance.

In majority for NRI families marrying in India is just a contractual marriage so as to keep heavy dowry demands and make fool of the family by not taking their daughter to the foreign land. Fraudulent intentions and seeing bride as a prey is very much common these days. No research work has covered trauma faced by these women in detail. This research will also suggest some solutions which can help the victims and their families to take a rational decision.

Keywords: NRI, Marriages, Fraudulent Intentions.

Introduction

Original sin in the Garden of Eden was that of a woman's. She tasted the forbidden fruit, enticed Adam and has been recompensing for it ever since. In Genesis, the Lord said, 'I will greatly multiply thy sorrow and thy conception; in sorrow thou shalt bring forth children; and thy desire shall be to thy husband, and he shall rule over thee'. This statement implies the status of women through ages.

Marriage as an institution allows men and women to enter into family life. It is considered as a sacrament and a stable form of relationship in which a social sanction is granted to the couple to procreate their children. In terms of Ernest R. Groves marriage is defined as "a public confession and a legal registration of an adventure into fellowship." In India the marriage regulations has prevailed from the ancient times. Mahabharata was one such example that defined a female to be merely a thing and not more than that, the whole picture depicted the helplessness of the present jury when a female was badly insulted amongst them. In Vedic times marriage was left to the choice of people concerned. Dowry was practiced in marriages but it never showed the cunningness from the groom's side. The meaning of marriage has changed with respect to time. Women produce children, she plays the role of a daughter, sister, wife and mother. She takes care of the men and even then are subordinate to the male dominance society. The basic division of labor in the society appears that it has kept its foundation on the gender. All the complex tasks in the society are thought to be managed by the men and the task of looking after the children, managing the household chores and looking after the needs of family is the primarily the duty of a woman. In more crude form of a wife. The position of women in the society has never been a stable one.

In the present day scenario women are considered as an instrument or merely a thing on which whenever a man wants can express his anger and degrade her. And a female consider that ill treatment to be a part of her married life. The situation becomes worse when a wife has to copes up with the fake promises that ruined her life. The more craze among people to settle abroad is primarily responsible for the adverse situations. Especially the females are the victims and their parents had a greater contribution in that. Every parent wants to see their child happy. And marrying a daughter is one of the biggest responsibilities of every father in the Indian society. And marrying her to an NRI is a very common trend to settle their daughter abroad without putting many efforts. Parents without asking or esquiring about the boy agree to fix a date of marriage. The excitement level of the family and the decisions taken in haste affect the girl in the long run. The girl's parents without knowing about the boy's

family background and even about the boy's present status fix the marriage. Every demand of the groom and his family from the day one is looked after by the bride's family. Every small wish of the groom whether of the lavish wedding or even of the dowry is completed without questioning. No matter how hard it is for a father to arrange even when the budget did not allow. Still he manages even by bearing debt just to see his daughter smile and for her happiness he faces any situation. Unaware of the fact that all the efforts will go in vain.

The Concept of NRI

Section 2 of Foreign Exchange Management Act, 1999 (FEMA) defined a person resident in India and a person resident outside India but do not define the term NRI. The term NRI needs to be termed and described from a different perspective not merely in terms of years a person is staying abroad. NRI /PIO mean an individual being a citizen of India and a person of Indian origin who resides outside India. These are the people who have migrated from their native land to the foreign land in search of job opportunities and have a better socio-economic status in the society as a whole. The rate of Indians going abroad either to study/job or to settle down is increasingly high. From Punjab it is a decades old practice to go abroad and to settle down there. They migrated for personal and professional motives. Marriage with an NRI came to be an outcome of the easy way of immigration also. Canada is one such country where Indians and especially Punjabis are found in abundance. The prior reason to shift is to enhance their capabilities and skills as the foreign land provides an opportunity to flourish. Things were manageable till the time these NRI's were confined to jobs but when they enter into institutions such as marriage the problem arises. Majority of the two million Indian diaspora is Punjabis and it is very common that the issue of migration and marriage are more critical to the Punjabis. And it is only the craze to marry abroad and ruin their lives themselves. As soon as they plan to tie the knots the search for a 'prey' starts. Now being born in India the first choice that boy or his family makes is girl of Indian origin. The medium of searching a bride starts either through newspapers, matrimonial websites or through relatives and friends. So even without checking the financial status or his other marital status and even his background, parents of the bride hurriedly involve in the marriage ceremonies to take place. Even the fraud bridegroom and his family are in a rush to marry and return back. Such marriages have never been successful in which greed is hidden.

The Motives of NRI Marriages

1. Parents loves their daughters but sometimes their focus is - to gain the status of an immigrant for the economic well-being and for a liberal lifestyle for their daughter, then for their son through their daughter and even in some cases for themselves also. It is through the matrimonial advertisements that the bride's family get impress from the boy's achievements and his family. Parties did not check the claims made by the boys abroad. Many of the travel agents and marriage bureaus are

held responsible for ruining the life of the innocent and gullible people.

2. To achieve professional opportunities and more excellence the highly qualified people opt to move.
3. It too act as an escape route for inter-caste and even inter-religion in love relationship couples from the wrath of rigid families.
4. Unemployment and lack to accomplish the aims in India compel the people and it is a major pull factor in immigration of the skilled labor force.
5. In majority for NRI families marrying in India is just a contractual marriage so as to keep heavy dowry demands and make fool of the family by not taking their daughter to the foreign land. Fraudulent intentions and seeing bride as a prey is very much common these days.
6. Lust is also one of the main reason as they came to India, get married and exploit the girl for few weeks and fly away as these NRI fraudulent husbands are very confident and sure that the India Law is not so harmful for them as borders are heaven for them. They can get the benefit of Privacy laws, Data Protection Acts etc.

How we can Categorize These Cases

1. Mainly NRI abandoned brides cases are considered, in which a person who is having status of NRI/PIO or is foreign National comes to India, getting married here in India as per Indian customs and Indian Law in Indian jurisdiction. After marriage he went back to his adopted country, from where he came to India to get marry and abandon her forever in India. He either gets divorce in that country or remarry there without giving divorce to Indian wife. But there are number of other categories in which we can divide such cases.
2. The second category is, where he is already married in abroad, he came to India with the purpose remarrying only to get dowry or for lust only. After spending few weeks with her he went back and abandon her in India forever. Such wives are termed as 'holiday wives' or 'deserted wives' or 'NRI abandoned brides' by media nationally and internationally.
3. The third category is, in which couple is already married in India and staying together from the last so many years but after few years of marriage husband went abroad and performed second marriage on foreign land without giving divorce to the first wife, who is in India.
4. The third category is, in which both husband and wife are staying abroad, but all of sudden husband changed his mind and decided not to live with her wife. Then he sent his wife in India, the moment she reached India he withdrew his spousal sponsorship. In some of the cases husband bring her India with some excuse and then took return flight without her knowledge by abandoning her in India to her parent's house alongwith her all documents including passport, debit/credit cards etc. After reaching there he withdrew sponsorship.

5. In some of the cases husband took her to his adopted country but later on due to some dispute or dowry, husband left her on the alien land in helpless situation.

There are number of other categories also, in which NRIs adopt various methods to desert his wife.

Now these categories clearly describe that the victim is the wife or more crude form is 'abandoned wife'. An abandoned wife is a lady who has been discarded by the husband when the purpose is solved. Once such an incident is occurred with her she has to survive in very difficult situations. She has been exploited and ruined physically, mentally, emotionally, financially, socially, legally. The problem of the women abandoned by the NRI grooms is an issue that needs to be confronted more seriously in the present scenario. Women are being subjected to false marriages, cheating or even dowry extortion. The problem lies within the bride's family too that they see their daughter merely as an object and as a ticket to their comforts and dreams in foreign country without estimating and analyzing the actual situation and sorrows of bride. The greed to settle them abroad is all that take place at the cost of their daughter's life. Places like Canada, Australia and New Zealand are the main centers where Punjabis had established and had good placements in those areas. Late marriages, high level of divorced rates and remarrying are very common attribute of NRI families. Marriage is contractual rather than a sacrament. There is an urgent need to look into the suffering that an Indian girl faces after marrying an NRI. To stabilize her family and look after her elderly parents are the prominent thing that she has to look after. NRI marriages introduce two contrasting pictures for the Indian society and especially Punjabi society. On the one hand they claim to improve the economic status of various families and creating disastrous problems for many families. And it seems that these families would never find a remedy to live a better life.

Review of literature

Mehta (1975) studied those women who were brought up in the healthy atmosphere as that of joint families were thought to be more responsible and could hold the relationships even after her marriage. But with the advancement the role of women in the society has also changed. Mehta studied the fifty educated women belonging to the upper and lower middle classes. The reasons that came up were the clashes between the two of seeing a common phenomenon. Women who were educated as he took in the sample refused to survive in such conditions where husband has right to practice physical violence and brutally exploit her. The position of divorced women according to his studies had marginally improved.

Becker (1980) tried to elaborate the problem of the unsuccessful marriages from the interactionist perspective. He opined that the social groups have created marital failures by making rules and regulations that were in favor of one and at the cost of others. And the conflicting attitude has led to the dis-functioning of the marriages as a whole.

Basu (1995) highlighted the experiences and the struggle of the immigrants Indo-Canadian women, she wrote about the exploitation that the Indian married girls faced in the families of NRIs. If a woman married to the family of an NRI she is very much prone to her own native land. Her plight can become worse the foreign nation where she moves alone as a sponsored migrant. She has to face number of incompatibilities in the form of culture or the race. Not only this, she even has to bear the emotional strain due to the cultural and social conditions prevailing in that particular family.

Dhaliwal (2003) reported that the NRI marriages were seen as an organized crimes in which the parents of the boy his family and relatives are involved. They all collectively are held responsible for cheating the brides in Punjab. It has been found that due to loophole existing in the state laws also encourage such crimes to take place against women in the society.

Dogra (2003) highlighted that many Canada or US based gas or petrol stations workers, laborers and the taxi drivers from Punjab state during their holidays make a visit and form alliances with the native girls of Punjab and demand hefty dowry in the form of cash or gold from their parents even to sponsor their daughters. Girls are merely seen as an object and her position is not more than a slave in the country.

Fabian Dowson, Mike Roberts, Valerie Fortney and Ted Rhodes (2005) not only highlighted the issue of NRI abandoned brides but also confronted to the husbands and in – laws in Canada through a five part series by detailing the overview, stories of abandoned brides, The Crusaders-who were working to help these women and suggested solutions.

Need for Study

A few studies have used the concept of holding marriage to in which position of a female is just a like a slave. Some studies are either confined to one country or one state or any one aspect of such marriages. But non of these studies have used a holistic approach. No research work has covered the trauma faced by these women in detail.

But none of these studies have included all the aspects of NRI abandoned wives of all the parts of country. No research work has covered trauma faced by these women in detail. This research will also suggest some solutions which can help the victims and their families to take a rational decision.

Research Methology

This is the high time to analyze the problems of NRI abandoned wives and to find some amicable solution to reduce their sufferings, as now it has become a social evil. This research work is based on a few real life cases of such wives from Punjab.

Objectives of the Study

1. To study the problems faced by women abandoned by their NRI husbands in Punjab.
2. To analyze the problems from different perspectives like Psychological, Legal, Financial etc.

3. To propose some viable solutions to stop further problems

Research Design

This study is based on 3 actual cases of abandoned brides from Punjab, which have been dealt by the authors:

One is newly married, second one is having a school going child and the third one is having a major daughter

The cases we have selected involve different categories of women. The seriousness of their problems and their family backgrounds are also different. But ultimately all wives are going through a tough time without any fault of theirs. These case studies are based on personal interviews. The following cases have been taken up for this research work.

1. Mrs Parmar from Jalandhar (married in Canada)
2. Simranjeet Kaur (married in Canada)
3. Madhu Sharma (married in Germany)

Discussion and Analysis of Cases

A brief information about these three cases selected is as follows:-

Mrs Parmar case

She holds a Masters Degree in Mass Communication. Her father is an industrialist in Jalandhar. She got married to Vishal Parmar in 2012, who had gone to Canada for study purpose and had plans to settle in India after completing his education. It was an elaborate marriage and a car worth Rs.10 Lacs was also given in dowry. For a few months, Vishal Parmar stayed with his wife and his parents in India. All of a sudden, he booked his ticket for Canada with the promise that he will send papers of sponsorship soon. In the meantime, her in-laws started demanding more dowry. After going back, Vishal stopped attending her calls and she became an unwanted guest at her in-laws' house. All meetings fixed with the help of friends and relatives proved to be useless. When nothing could be done to set the things right, she reported to police and FIR was registered against Vishal who was a permanent resident in Canada. She is still waiting for Justice from India as well as Canadian Government.

Simranjeet Kaur

She got married to Davinder Singh of Kapurthala in 2010, went to Canada & gave birth to a son there. Her father in-law reached Canada and pressurised her to get remarried to one of his relatives in India against the payment of 40 Lakh rupees. Then she came to know that Davinder Singh had also two marriage certificates, one with Manjit Kaur and the other one with an other woman who had brought Davinder Singh to Canada & had charged 35 Lakhs for this. Even marriage certificates were obtained by using fraudulent methods. Manjit Kaur's mother had also filed a complaint to Punjab State NRI Commission, Chandigarh. The proceedings are still pending there.

Madhu Sharma

She is the mother of a daughter who is major now. Before marrying Madhu, the person was a already married in Germany. He got divorce from German wife, remarried Madhu and went back to

Germany with the promise to of sending visa papers for her and her daughter, but he never made any efforts to send any documents which could help Madhu and her daughter to get a visa for Germany. She did everything, made a police complaint, filed case against him and even got orders from court for maintenance, but all in vain. In the mean time her husband got married again to a woman in Germany without getting divorce from Madhu. He is taking advantage of data protection act of Germany. She is still fighting for legal rights of her daughter and for herself and waiting for justice.

Case Problems

1. It is common in all cases that the intentions of boy's side are not good from the very beginning. This can be considered as an organized crime against Indian women, where boys are taking undue advantage of poor law and order system of India.
2. No direct and fool proof legal remedy is available to these women and children, who have been abandoned in such situations.
3. Whatever civil or criminal remedies are available to these victims, a lengthy, costly and complex procedure is involved. Role of implementing agencies is also not supportive. In certain cases, implementing agencies are not even aware of the procedures of serving summons.
4. Family, friends and relatives of boys are also involved in these cases. Despite having the knowledge of fraudulent intentions, they either kept mum or provide open support to wrong doers to get benefited, financially or otherwise with the hope of reciprocal support to settle abroad.
5. In all these cases, the boy or his family is following unlawful practices, without having any fear of legal machinery or punishment. They know very well that they will get another girl again for remarriage easily and no legal action will be taken against them.
6. One common reason in many cases is the prestige attached with getting the daughter married to an NRI which improves the status of the family in society.
7. In some cases, the families feel that spending some amount on marriage can secure the life of their daughters and also it can open a way to settle the whole family abroad.
8. The families are in such a hurry to send their daughters abroad that they do not even inquire about the prospective bridegrooms, who comes to India on short visit. They overlook many key points which are very important to be inquired even in the marriages in which groom is in India.
9. In first case when in-laws of the girl are also in India, at least they can be held responsible and case can be filed but no one can be blamed if the whole family of boy has been settled abroad.
10. Data Protection Act or Privacy Law also provide safety and help to the boys, even if victim gives in writing to the Embassy to provide new address. Nothing is being provided to them.

11. Execution of maintenance decree of Indian courts is also not possible in foreign countries.
12. Exparte divorce is a major problem, although that is not valid in normal cases due to the jurisdictional and other reasons. But in, practice, it's happening in many cases.
13. Summoning in court cases is also one of the major problems.

Some Preventive and Remedial Solutions

1. Girl's family should get detailed information of the boy through some known person or directly. These marriages should not be settled hurriedly. They should take sufficient time for such important decision.
2. Social and Psychological awareness camps are also required in those areas of Punjab where the number of NRI abandoned brides cases is more and where people are more ambitions to settle their daughters/sisters abroad. They should be made aware of socio-psychological consequences such marriages.
3. To deal with such, cases a proper system should be chalked out. All the related ministries in India should enter in treaties and agreements with those countries, where abandoned wife cases take place. Affected girls and their families should have full information about the remedial steps they can take including all civil and criminal remedies. The cases in which the women and children have been already abandoned, those should be taken on priority basis by in police and courts.
4. Victims should have knowledge about NRI Commissions, NRI Cells of Police, and National Commission for Women, State Commission for Women, Ministries web sites, court procedures etc. which can help them in handling of their problems.
5. Marriage registration is another important step in such cases as without registration of marriage, procedure for spouse visa cannot be initiated. Moreover, all the necessary documents like copy of the passport, photographs. Address proof, marital status is attached at the time of registration of marriage. All this information becomes beneficial in the event of abandonment for FIR, LOC etc.

6. A list of do's and don'ts should be put on the boards outside Gurudwaras, Temples, Panchayat houses, SSP offices etc to make people more aware of NRI marriages.
7. Non Resident Indians who are pride of our nation should come forward to deal with the fraudulent grooms on foreign lands by discarding them socially. These fraudulent grooms consider borders as heaven, but when they will face social boycott on foreign lands by their own community, they will certainly mend their behaviour.
8. Lastly, Government should come forward to register criminal cases against these boys and their families and strict action should be taken so that a boy should think twice before ruining the whole life of such girls.

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