

# **DISPOSABLE WOMEN: ABUSE, VIOLENCE AND ABANDONMENT IN TRANSNATIONAL MARRIAGES**

## **ISSUES FOR POLICY AND PRACTICE IN THE UK AND INDIA**

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**with**

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## **Foreword**

This timely report sheds light on the little known phenomenon of transnational marriage abandonment, a problem involving the abandonment of foreign national wives in their country of origin by their husbands who are nationals or residents of another country.

Southall Black Sisters' casework experience in the UK shows that this is an emerging form of violence against women that occurs in transnational spaces due to the overlapping processes of migration and marriage, especially in the context spanning the UK and the Indian sub-continent. It takes many forms but is essentially a gendered phenomenon and is part of a continuum of violence and coercion experienced by women at the hands of abusive and exploitative partners.

Although the focus of this report is on the specific experience of abandoned women in India (said to be in their thousands), SBS' experience shows that their appalling accounts of abuse and abandonment are also echoed by women from Pakistan, Bangladesh and elsewhere. At the heart of their experiences lies the disconcerting ways in which the imperatives of patriarchal and immigration controls intersect, resulting in abandoned women being trapped in abusive and limping marriages in circumstances that involve the deliberate infraction of their legal rights to protection, support and rehabilitation. They are unable to access their legal rights in relation to divorce or financial and property settlements, and are left to fend for themselves entirely alone. Their position is compounded by state apathy and inadequate transnational legal mechanisms for obtaining redress and justice. As the authors of this report note: "In contexts where marriage remains the primary marker of social status and identity for women, abandoned women have limited means of living independently or undertaking paid work. Women abandoned in their country of origin are often left at risk of poverty and destitution, social stigma, and domestic abuse."

Despite positive developments on violence against women worldwide, we continue to witness an ever widening gap between legal prescription and the reality in relation to violence against women. In an increasingly globalised world, the endemic nature of violence against women coupled with draconian forms of immigration control and an anti-immigration culture allows perpetrators, with the complicity of state authorities, to enjoy impunity for violations that occur in transnational spaces.

What the research underlying this report tells us is that we must do more to respond to changes to the patterns and dynamics of violence against women that result from increased flows of migration overlapping with socio-cultural norms on marriage and gender. The recommendations in this report point to ways forward in enhancing the protection and rights of vulnerable transnational brides. If we are to ensure that the rights accorded to all women in national and international human rights law are brought to life, we would do well to pay heed to the need for urgent reform in key areas of relevant law and practice, including family and immigration law. This report has significant implications for anyone working in the area of violence against women.

**Pragna Patel,**  
**Director**  
**Southall Black Sisters**

## Executive summary

Abandonment of wives by non-resident Indian men in transnational marriages has become a widespread phenomenon. Abandonment can take three forms: (a) a woman, migrating after marriage to her Indian-origin husband's country of residence, may be ousted or (less commonly) flee after a period of abuse; (b) a woman who has migrated with her husband after marriage may be deceived into returning to India for a vacation and abandoned there, while her husband returns and revokes her visa; (c) a woman may be left behind in India after marriage while her husband goes back with assurances that he will sponsor her visa, but the woman is left with her in-laws and is eventually ousted from their home or leaves because of domestic violence.

This study was conducted between December 2013 and May 2015 with abandoned wives in the second and third categories in Delhi, Punjab and Gujarat, states in India which have a long history of out-migration to the UK and other countries in the West. This study explores the nature and patterns of abuse and abandonment in transnational marriages, and documents women's experience of the legal and judicial apparatus in the UK and India in their quest for justice. It is hoped that the findings will stimulate policy debates within and between the two countries on abandonment as a form of gender-specific violence and on measures to address the problem.

Twenty-eight of the 57 women interviewed for this research had been married to men resident in the UK, eight of the husbands were from Italy, four each from Australia and USA, with smaller numbers from other countries. About two-fifth of the women we interviewed had migrated following their marriage while the remaining women remained in India with their in-laws, while they awaited a spousal visa. Most of the women reported that their marriages had been hastily arranged with the exchange of dowry and lavish celebrations, all paid for by the bride's family.

The majority of the women reported that they had experienced physical violence perpetrated by their husband, in-laws or both. All the women were subjected to coercive control, isolation and financial abuse. The women who were left behind with their in-laws were more likely to experience violence from female in-laws, while a majority of the violence experienced by marriage migrants was perpetrated by their husbands.

A third of the research participants disclosed sexual abuse perpetrated by their husband, while just under a quarter disclosed sexual abuse by male in-laws. A fifth of the research participants had been coerced into undergoing abortion(s). A majority of the women who experienced sexual abuse indicated that our interview was the first time they had disclosed this abuse.

All the women interviewed had sole responsibility for domestic labour in the household while a minority of women who engaged in paid work experienced appropriation of their wages. A majority of women also suffered abuse and control in the context of micro-management of their domestic labour and about half of the women were denied food and adequate lodgings, and subjected to degrading treatment.

Ongoing demands for dowry, and escalating violence where such demands could not be met, were significant contexts for abuse for the majority of the women. Inability to meet dowry demands eventually triggered abandonment for most of the women left with their in-laws.

Socio-cultural norms against divorce compelled women to remain in abusive relationships. Insecure immigration status prevented marriage migrants from seeking help. A majority of the women who had migrated following marriage were deceptively taken back to India and abandoned there. A small number of marriage migrants eventually fled their husband's country of residence because of the escalating violence. Women left with in-laws were eventually cast out of the affinal home, while a small minority left because of the violence.

Following abandonment, ex-parte divorce proceedings were initiated by the husband, in a context where the woman was ignorant of the proceedings or could not represent herself in legal

proceedings in another country. Some of the women did initiate legal action in India against their husbands and in-laws, however most complaints ended in a compromise agreement or were not pursued by the police. Very few of the women received financial settlement of any kind upon divorce, and none received any maintenance for their children or return of their dowry.

The findings suggest that cultural practices like dowry, son preference, and dominant social norms which make for patriarchal control and devaluation of women played an important role in the violence and abandonment that ensued in all marriages. Crucially, the inadequacy of national and transnational legal mechanisms served to create transnational brides as a particularly vulnerable category of women who could be abused and exploited with impunity. It was in this context that some Indian-origin men in the diaspora sought brides in India and treated them as disposable women, whose abuse was not a matter of concern.

### **Recommendations for the UK**

#### ***Immigration policy and practice:***

- Women who once resided in the UK (no matter how briefly) should be entitled to claim under the Domestic Violence Rule (DV Rule) and the Destitution and Domestic Violence (DDV) Concession and be treated in all respects as domestic violence victims.
- Transnationally abandoned women should be issued with temporary visas to avail the DV Rule and initiate or engage in criminal and family or civil court proceedings.
- Victims of domestic violence need full right of appeal under the Immigration Act 2014.
- At the point of their visa application, British embassies abroad should give women a leaflet setting out their rights and entitlements under the UK immigration and family law.

#### ***Divorce and Family Matters:***

- Greater awareness and procedural checks and safeguards are necessary in divorce and family law processes in order to ensure that women who have been abandoned abroad have the opportunity to participate in family law proceedings on an equal footing.
- The UK government should consider reciprocal arrangements that allow for the enforcement of legal decisions concerning divorce, support, maintenance, residency and contact with children in contexts of overlapping jurisdictions.
- There is a need for a training programme for the judiciary to understand better the social realities of South Asian women who live abroad for whom divorce carries severe stigma and adverse financial, mental health and welfare consequences.
- There needs to be better judicial understanding of the practices of *stridhan* (gifts voluntarily given to the bride from her parents) and dowry in divorce, maintenance and other financial settlements so that women are not left destitute and dependent on their own families.

### **Recommendations for India**

- The provisions of the Punjab Compulsory Registration of Marriages Act 2012 – which records the passport number and details of non-resident spouses at the time of the registration of marriage - needs to be extended to other states.
- Alongside the registration of marriage, the registration of dowry/*stridhan* given to the bride should also be made compulsory.
- The process for selection of organisations under the Indian MOIA's Scheme for giving legal / financial assistance to Indian women deserted by their overseas husbands (2011) needs to be transparent, and the effectiveness of the scheme needs to be evaluated.
- There is a need for a mechanism (e.g. bilateral agreements) for the enforcement of legal decisions concerning divorce, support and maintenance in contexts of split jurisdiction.
- An ex-parte decree of divorce awarded to an Indian woman by a foreign court should be a basis on which she can seek a divorce in India.
- There is a need for raising awareness and providing information on this issue.

## 1. Introduction

Media reports in India, corroborated by non-governmental organisations and government institutions, suggest a growing problem of the abandonment of wives by Indian-origin men who are residents of another country. Based on her experiences, Pragna Patel, who is the Director of Southall Black Sisters (SBS),<sup>1</sup> delineates three main forms that such abandonment takes:

- i) A woman migrates upon marriage to join her husband in another country and is subjected to a period of neglect, abuse and exploitation, following which she is thrown out of the marital home or less commonly, flees to escape the violence;
- ii) Following marriage migration and abuse, the woman is taken back to her country of origin either coercively or is deceived into returning on false pretences (e.g., holiday) and abandoned there while the husband returns and revokes her visa;
- iii) A resident of another country comes to India to marry and leaves shortly afterwards with assurances that he will sponsor his wife's spouse visa, but fails to do so – the woman is left with her in-laws in India and is eventually thrown out or leaves because of domestic violence.

Women in the first category now have access to limited support in the UK in the form of housing and welfare benefits. Before 2002, marriage migrants abandoned following domestic violence were routinely deported to their country of origin, often to face further abuse from their families for not 'making the marriage work'. The Labour government passed the Domestic Violence Rule in 2002 in response to campaigns from women's organisations. These changes made it possible for a woman to apply for Indefinite Leave to Remain (ILR) in the UK *if she could prove that her marriage had broken down because of domestic violence*. However, women with insecure immigration status were prohibited from accessing public funds, which meant that they could not be accommodated in women's refuges. This rule left women destitute while they were expected to apply for ILR (Anitha, 2011). SBS and allied organisations campaigned to change this, resulting in the Destitute Domestic Violence (DDV) Concession of 2010, which gives women limited access to benefits while they apply for ILR.

This report presents the findings of a study on abandoned wives in India who fall into the second and third categories. Women abandoned in their country of origin are often left at risk of poverty and destitution, social stigma, and domestic abuse from natal family. Due to inadequate transnational legal mechanisms, they are also left unable to access their legal rights to a financial settlement, child support payments, and access to their children upon divorce. In a context where marriage remains the primary marker of social status and identity for women, abandoned women have limited means of living independently or undertaking paid work, particularly in rural areas.

In 2008, the Indian government nominated the National Commission for Woman (NCW) to respond to issues pertaining to Non-Resident Indian (NRI)<sup>2</sup> marriages. The NCW estimates that this problem affects approximately 25,000 women in total, suggesting that two out of ten transnational marriages end in abandonment (NCW, undated). What is evident from media reports and anecdotal accounts from women's organisations in the West (Dasgupta and Rudra, 2009) and in India (Jabbi, 2005) is that this is a growing problem. However, little is known about the nature of this problem and women's experiences during and following the process of abandonment, as there has been scant research on this subject, especially one which brings forth the voices and perspectives of abandoned women.

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<sup>1</sup> SBS is a UK-based women's organisation which provides services for black and minority ethnic women and campaigns to end violence against women and girls.

<sup>2</sup> A Non-Resident Indian (NRI) is a citizen of India who holds an Indian passport and has temporarily emigrated to another country. However, in popular parlance, NRI denotes any person of Indian origin who lives in another country, which is how this term is used in this report, reflecting the voices of the women and the practitioners interviewed for this study.

## **2. Domestic violence in India and among the Indian diaspora**

There is now a wide range of evidence that highlights the worldwide scope and magnitude of domestic violence (Heise et al., 2002; Watts and Zimmerman, 2002). Research indicates the common origins and explanations for such violence – patriarchal cultures which manifest themselves in particular ways in different social and historical contexts (Hunnicut, 2009; Ogle and Batton, 2009) and social constructs of gender which devalue women and relegate them to the private sphere (Purkayastha et al., 2003). However, it is equally important to understand the specific forms that violence against women takes in particular contexts, not least in order to develop effective responses to it.

There is extensive evidence to show that violence against wives perpetrated by husbands and their relatives is widespread in India and in the Indian diaspora (Ahmed-Ghosh, 2004; Dave and Solanki, 2000; Panchanadeswaran and Koverola, 2005). This research also documents that the laws to protect women against such violence and to punish the perpetrators have been largely ineffective (Gangoli and Rew, 2011; Kapur and Cossman, 1996). Violence against wives takes place in a context where marriage entails relocation into a male-headed household in which the new bride occupies a subordinate status, whilst also bringing benefits to the husband (and his family) that include domestic labour and material advantages from any paid work (Kandiyoti, 1988). The subordination of women is reinforced through coercive control and domestic violence for perceived violations of gender norms (Purkayastha et al., 2003).

Dowry is widely regarded as one of the main structures through which domestic violence is perpetrated (Ahmed-Ghosh, 2004; Rastogi and Therly, 2006), both among affluent families where dowry expectations are high (Bloch and Rao, 2002) and for women from poorer families unable to fulfil dowry demands (Srinivasan and Bedi, 2007). Other particular contexts for such violence include the birth of a female child and policing constraints on women's sexuality (Sudha and Irudaya, 1999; Gill, 2004). Women's multiple strategies to cope with the abuse include minimising the abuse, placating the abuser, answering back, avoidance behaviour and active help-seeking (Chaudhuri et al., 2014; Panchanadeswaran and Koverola, 2005).

Research on the problem of domestic violence faced by South Asian marriage migrants in the diaspora highlights their added vulnerability to abuse, in the context of barriers such as racism and stereotyped service responses that draw on notions of commonness and even acceptance of abuse in certain social groups (Batsleer et al., 2002; Rai & Thiara, 1997), lack of adequate support in the form of welfare services, public housing, health services and language barriers in the absence of adequate translation services (Anitha, 2011; Raj and Silverman, 2002; Sokoloff and Dupont, 2005). However, little is known about the experiences of women who are residents in the departure countries following a transnational marriage, that is, those who migrated and returned, and those for whom the opportunity to migrate never came to be realised.



### 3. Research methods

The aim of this study was to understand the problem of transnational abandonment of wives in three states in India – Delhi, Punjab and Gujarat. Objectives included: exploring the commonalities and specificities in women's experiences across the states; understanding the nature and impact of neglect, abuse and abandonment; documenting women's experience of immigration authorities and police processes; and assessing the effectiveness of existing legal mechanisms. Additionally, a key objective of the research was to stimulate policy debates to address this problem. Ethical approval was obtained from the School of Social and Political Sciences Research Ethics Committee, University of Lincoln.

Punjab, Gujarat and Delhi were selected for this research because both states have a long and diverse history of out-migration going back to the period of colonial rule in India, while the capital Delhi has a large number of families who are part of the global circuits of work and travel that the big city enables. A significant proportion of Indian-origin population in the UK can trace their origins to these regions which have a history of transnational marriages. Such marriages remain desirable in India because of the positive representations of life in the West, as well as because of relative poverty, lack of security within India, and long-standing cultures of migration.

A combination of a convenience sample and snowballing technique was utilised to access abandoned women, combined with a purposive sample of key informants. Life-history interviews were conducted with a total of 57 women. This method enabled research participants to reflect on their lives as a whole and to contextualise their marriage decision, the nature of their relationship with their husband and in-laws as well as the impact of the abandonment in the context of broader power relations, opportunities and constraints that shape their lives. The interviews, which lasted between one to three hours, were transcribed verbatim where women gave permission to record them. In the few cases where such permission was not given, notes were taken and typed up soon after the interview. The aim was not to seek a representative sample but instead to undertake an in-depth exploration of women's experiences. Semi-structured interviews were also conducted with 21 representatives of community and women's organisations, police and lawyers specialising in abandoned women's casework to gather practitioner perspectives on the nature of this problem, their practice responses to it and recommendations. The perspectives of the practitioners are represented in the final section of the research findings and in the recommendations.

Data collection took place between December 2013 and May 2015. Data analysis entailed a process of continuous coding of each transcript to identify emerging themes, following which the coded transcripts were compared to identify recurring themes.

A limitation of this study relates to its reach. Apart from the few research participants who were accessed through snowball sampling, most women were accessed through police, women's/community organisations and lawyers. This research has therefore managed to reach very few women who have not sought help from formal sources of support, perhaps due to stigma, lack of resources, or indeed unfamiliarity with criminal justice processes. Despite this limitation, as one of the first systematic studies on this topic, this research has significant implications for our understanding of this emerging form of violence against women.

## 4. Research findings

Twenty-eight of the 57 women interviewed for this research had been married to men resident in the UK, eight of the husbands were from Italy, four each from Australia and USA, and the remaining 13 were from a range of other countries. The women belonged to a range of castes located across the hierarchy of castes. The demographic characteristics of the women and statistics relating to the nature of domestic abuse they experienced are as follows:

	Number of women	Percentage <sup>3</sup>
<b>Age</b>		
18-24	6	11%
25-34	30	53%
35-44	18	32%
45-54	3	5%
<b>Religion</b>		
Hindu	36	63%
Sikh	19	33%
Muslim	1	2%
Christian	1	2%
<b>Type of marriage</b>		
Arranged by family	53	92%
Love/self choice	4	8%
<b>Number of children<sup>4</sup></b>		
None	38	67%
One	16	28%
Two	3	6%
Walked out of the marriage	13	23%
Forced out of in-laws'/husband's home	44	77%
<b>Domestic abuse</b>		
Financial abuse		
Dowry demanded/given to in-laws	57	100%
Dowry related violence/harassment	39	68%
Appropriation of wages	7	14%
Abuse related to domestic labour	56	98%
Physical abuse		
Violence from husband only	15	26%
Violence from in-laws only	11	19%
Violence from both	16	28%
Denial of food and medicine	27	47%
Psychological abuse		
Verbal abuse	53	93%
Coercive control/intimidation	57	100%
Isolation	56	98%
Sexual abuse and denial of reproductive rights		
Sexual abuse from husband only	18	32%
Sexual abuse from in-laws only	13	23%
Forced abortion	11	19%
<b>Post abandonment actions</b>		
Reported to police	53	93%
Recovered dowry	3	5%
Obtained financial compensation	4	7%

<sup>3</sup> Percentages are rounded off.

<sup>4</sup> A majority of abandoned women had daughters – only four of the 22 children were sons.

## The transnational wedding: Marriage decisions and negotiations

In South Asia, families play a central role in the process of arranging a marriage. Cultural practices like dowry and the preference for sons contribute to, and are indicators of, the patriarchal structures within which women are undervalued. In conformity to social norms, all research participants recounted that the men and their families ‘chose’ the women. Some women seemed to have been selected because of their limited marriage options – this was particularly the case where they were to be left by the husband to care for their in-laws in India. A woman who lived in a small village in Gujarat reported:

*According to astrological forecast, my horoscope has Mangal (planet Mars, considered inauspicious for the spouse) in it. This means that I will have difficulty in finding my marriage partner... When my parents were told that this family had come from London and were looking for a match for their son, they went to visit them. My parents showed them my photo and invited them to come to our place. The man's mother said, "We have seen her photo, I don't see any point in coming to your place to see her." My parents were very surprised and when my parents insisted, they came to see me and without talking to me or any discussion, they gave a box of sweets and Rs. 500/- cash (signifies an auspicious gesture) to me and declared that the betrothal ceremony was over (Manju, 31).<sup>5</sup>*

Other factors that disadvantaged women's families in marriage negotiations included the age of the bride (anything approaching 30s), multiple unmarried daughters in the family, poverty, dark complexion and previous divorce. A middle-class woman living in a big city reported that minimal attempts were made to ascertain the compatibility between her and her husband-to-be:

*I had been divorced earlier, and am too dark complexioned – my parents had difficulty securing a match. When the family of an NRI from London approached my parents, they agreed immediately, and the wedding took place five days later (Gita, 29).*

A practitioner from Jagori, a women's organisation in Delhi, argued that Indian-origin men seek brides from India because of stereotypes that construct the traditional Indian woman as inherently exploitable – someone who “will tolerate more ...will sit at home and be a maid for free. Service, sacrifice, motherhood... an adjusting and compromising nature. That's what they think. If they get a domestic worker from here, who knows how much more it will cost them (compared to 'getting' a wife).” Pragna Patel, Director of SBS, an organisation that has been receiving an increasing number of calls to their helpline from abandoned wives, argues that the crisis in elderly care precipitated by the public sector cuts in the UK may increase this problem, as South Asian men in the UK seek brides from the subcontinent to provide care for their elderly relatives, secure in the knowledge that migrant women have limited rights.

A majority of the proposals came through an intermediary known to the two families, creating a (questionable) sense of security for the bride's family. A minority of proposals were in response to matrimonial adverts in newspapers, where a separate section is devoted to NRIs, who are considered a particularly desirable category of grooms (Kalpagam, 2005; Sheel, 2005). All women recounted the secrecy and haste that accompanied the marriage negotiations, lest a better prospective bride came to the attention of the groom's family. It was common for the groom's family to claim that he was in India for a brief holiday, during which the wedding had to take place. In a majority of cases, the gap between the proposal and marriage was two weeks, and in a few cases as little as two-four days, as reported by this woman:

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<sup>5</sup> All names have been changed to protect women's identities and a pseudonym has been allocated in accordance with the specific naming conventions of the region where the respondent lives and their religion.

*My aunt found the match. The boy came to India and within a few days the marriage was fixed. They asked us to arrange the wedding quickly. We asked them to give us at least 15 days, but they were insistent, as he needed to go back. ... We had to organize everything in a rush. The wedding took place in three days (Parminder, 28).*

These constraints limit the time and space for the bride's family to conduct enquiries about the groom's antecedents. A police officer in an NRI cell (which specialises in transnational abandonment) noted that men exploit the power dynamics in such marriage negotiations:

*The parents don't seek full information like whether he is already married, his citizenship status. The NRI men know this – that the parents of the girl get scared of losing the match because they asked too many questions.*

Many families were not aware of basic facts about the groom such as his job, income, visa/passport status, address or marital history. It was only upon abandonment that some women discovered that it was the second or third transnational marriage and abandonment on the part of their NRI husband.

The exchange of dowry was central to all the marriages, either as an explicit demand or the expectation was implicit during the process of marriage negotiations. Dowry, which was traditionally a wedding gift given by upper caste Hindu parents in North India to daughters, is now a near-universal aspect of marriage among different Hindu castes, Sikhs and has spread to other hitherto non-practicing communities, including Muslims and Christians. It has also been argued that in the context of globalisation and liberalisation in South Asia, dowry has inflated over the years (Bradley et. al., 2009, Jehan 2011; Waheed, 2009). Dowry can take the form of jewellery, cash, consumer goods or property provided by the family of the bride to that of the groom as a condition of the marriage at the time of and after the wedding. Research also documents the changing forms of dowry in the process of migration and settlement of Indian-origin diaspora in the adopted country (Sheel, 2005). Writing about the Indian diaspora, Voigt-Graf (2004, p. 33) notes how the amount of dowry was calibrated not only according to the NRI's social status and job, but also in accordance with the place his country of residence occupied in the hierarchy of nations – NRIs from the US could expect larger dowries than those from Australia.

Alongside a large dowry was the equally problematic expectation of a carefully orchestrated and suitably lavish wedding ceremony, hosted and paid for by the bride's family. The wedding reception commonly catered for over 500 people (1500 was the most we encountered). A themed specialist wedding venue, meat dishes and a free bar in keeping with what was presented as a Western wedding convention, were common demands. One woman from Delhi reported how the wedding venue had to be altered at short notice to meet the expectations voiced by the groom's family:

*My father-in-law...put the marriage 'on hold'. The wedding venue was changed four times, each time to a more costly place. He wanted a fleet of cars, fancy arrangements for his son. He told my parents, "We are high class people compared to you". ...He was furious because arrangements weren't made for a grand reception at the airport to welcome his family when they flew in (Gauri, 26).*

Non-reciprocal gift-giving by the bride's family to the groom's extended family escalated the wedding costs to between Rs.10-15 lakhs (£10,000-£15,000), which represented several years' savings or a loan for most families. In a majority of cases, demands for additional dowry were

made after the wedding date had been publicly declared, a period when the cancellation of the wedding would bring shame and dishonour to the bride and her family. In most cases, parents struggled to meet these demands in the hope that this would ensure the future happiness of their daughter.

In the case of transnational marriages, the gendered imbalances in the norms that govern marriage negotiations between the two families (Dube, 2001) are exacerbated by global hierarchies and time constraints. Men and their families take advantage of these circumstances to negotiate the most advantageous marriage, while women and their families have limited opportunities to minimise the risk, as they would normally do in a local marriage.

### **Manju's story**

Manju is an upper caste, upper middle class Hindu woman who lives in a city in Gujarat. When her parents received a marriage proposal for her from Mohan, an NRI, they were anxious to get her married because of a perceived defect in her astrological chart. Mohan's family agreed to the match upon their first meeting without much conversation. Following a grand betrothal ceremony that Manju's parents arranged for their only daughter, Mohan's parents began to demand a large dowry, which Manju's parents gave.

When Manju arrived at her in-laws' house after the marriage, she was treated very badly. Her husband was unfriendly and uninterested in consummating their marriage. He also kept stealing money from her purse. Mohan later broke into a cupboard and took a large amount of cash and jewellery given to Manju by her parents. Manju faced physical and emotional violence from Mohan as well as her mother-in-law every day. She was no longer allowed to own a cellphone and she was kept from speaking to her family members. She was not allowed to use any of the household appliances (a table fan, a television) that she had brought as part of her dowry.

Mohan left for London after a month and did not keep in touch with her. In the house, Manju was under a strict watch and not allowed to leave the house or contact her family. Whenever her family members tried to visit her they were turned away saying Manju was out or sleeping, and that she was fine. She was made to do all the household chores, and barely given any food. She was malnourished and developed low blood pressure, and was dizzy all the time, which precipitated more physical violence from her female in-laws. Whenever Mohan called she was not allowed to speak to him. One day Manju overheard Mohan and his mother on the phone talking about killing her. She was very scared, and asked the domestic servant in the house for her cellphone. She was able to contact her brother and ask him to come and take her away from the house as she feared for her life. Her parents arrived and took Manju away, leaving all her possessions behind.

Manju filed a case of dowry harassment against her in-laws. The court process was arduous, and Mohan was declared as an absconder as he was in the UK and did not return. Her family was able to recover some of the dowry and the wedding costs from Mohan and his family, but after repeated attempts, have given up on trying to recover the rest of the dowry.

## Neglect, coercive control and physical violence in transnational marriages

About two-fifths of the women who participated in the research migrated following marriage. All women in this situation experienced neglect, coercive control and many women experienced physical violence. In the context of ongoing and escalating violence, these women were deceptively taken back to India and abandoned there, or less commonly, left the marital home following severe abuse and exploitation.

Three-fifths of the women we interviewed did not migrate following their marriage. Each woman's account of suffering, resistance and quest for justice was unique, but there emerged a pattern that was common to such marriages and abandonment. Following a speedily arranged marriage and exchange of dowry, the husband would depart for his country of residence, leaving his wife to live with the in-laws, in keeping with socio-cultural norms in India whereby the bride moves to her husband's family home upon marriage. The expectation was that he would apply for a spouse visa to enable her to join him, a process that can take months.<sup>6</sup> While she waited for the visa, he would maintain communication with her and might visit on holidays, but eventually the communication would trail off. During this period, the woman was responsible for domestic labour and the care of her in-laws, who might also demand ongoing dowry transfers from her parents. Eventually, she was thrown out of their home or left, following escalating violence. Ex-parte divorce proceedings were initiated by the husband in his country of residence, often without the woman's knowledge or consent.

Soon after the marriage, about a quarter of the research participants realised that their husband had only agreed to the marriage because of the pressure exerted by his parents, and was not interested in maintaining a relationship with them. If the men had prior relationships that their family considered unsuitable, the arranged marriage served to preserve the status of their family within their community. Even where women migrated following the marriage, the men had negotiated with their families to continue their prior heterosexual, or in three cases, same-sex relationships. The women's role was that of a domestic servant and carer for elderly relatives.

*Soon after I came here, I realised that the marriage was a sham. He stayed away from home for days at a time. When I questioned him, he said, "You are nothing to me. I married you for my parents, your job is to look after them." When I complained to his parents, they said it was up to me to make him want to stay at home (Bina, 26).*

*When I was engaged for six months, we didn't have any kind of relations, you know, how, when couples are newly engaged, they talk to each other for hours at a time. He never called me, ever. All of my friends would say, "Why don't you talk to your fiancé, this is really odd. He should call you." It all made sense much later - my husband told me on the first night that this marriage, all this was fake (Ilaben, 22).*

In a context where their families had spent vast sums of money on their marriage, the women faced, and felt, considerable pressure to make the relationship work. Women responded to this absence of any emotional engagement from their husband in various ways. Some women tried to alter themselves to conform to the ideal partner that they thought their husband would accept.

*I started living according to him, but he would complain about my dress, hairstyle, my very persona. I tried changing myself completely according to his wishes but he would still be unhappy. He wanted me to change and become like the girls in the UK (Bina 26).*

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<sup>6</sup> Most countries have a separate category of visa to enable the spouse of a permanent resident to join them.

After the wedding ceremonies, two of the women found out that their husbands had a mental health condition and three women realised that their husbands were dependent on drugs. The men's families had believed that the marriage would 'cure' them, placing an additional burden on the women with the expectation that their love would change their husband's behaviour/health condition. These women were subsequently blamed and subjected to abuse when this did not happen.

In all cases – whether or not the men were pressurised into the marriage - the men and often their families acted purposively to control and dominate the women and effectively secured privileges and benefits from these relationships through a combination of surveillance, rule making and enforcement (Stark, 2007, p. 131). They controlled the women's appearance, restricted their movement, prevented them from speaking to their family/monitored the calls and restricted their access to money (Chaudhuri et al., 2014). Similar experiences were recounted by women in all three states:

*My father had given me a mobile but they (in-laws) would hide the charger. When I asked my mother-in-law about it, she said; "Once a girl is married she has to forget her parental family - who is going to pay the bill?" One day, when no one was at home, I saw my mobile and charger on the table. So, I tried to charge my mobile but found that they had removed the sim card. When my husband came home, I asked him about the sim card. He snatched the mobile, threw it forcefully on the floor and stomped on it, crushing it to pieces (Manju, 31).*

*My son, I never even got him vaccinated, I couldn't go to the doctor. There was an Indian family living in the flat below us, but I couldn't walk down the stairs and go to their house. I just wasn't allowed to leave the house without him... My neighbour would come upstairs to talk to me, but my husband didn't like that either. Once there was an earthquake and the whole apartment block was evacuating. He was out with his friends and he called me up to tell me that I shouldn't go out (Satinder, 34).*

These forms of control served to isolate women from any sources of support, and on this occasion, endangered the life of the woman and her child. One woman recounted how, after forcing her to consume alcohol, her husband phoned her family and made her talk to them while she was inebriated; this proved to be an effective tool to humiliate her and to diminish her standing amongst her family. Later, it also made it difficult for her to convince them about the abuse she was facing, as they accepted his version of events – that she was to blame as she had taken to drinking regularly and excessively, and was neglectful of his needs. A few women who migrated upon marriage were coerced into drinking alcohol to conform to their husband's ideal of a Westernised wife; these women reported feeling ashamed for defying cultural, sometimes religious and gendered norms about consuming alcohol.

While some women reported that they were prevented from participating in associational aspects of life such as attending weddings, family functions and festivals, others reported that their attendance would be coerced and they would be closely monitored during these events.

*I attended all the family functions with a smile on my face – I never told anyone that the marriage was a sham (Bina, 26).*

Coercive control (Stark, 2007) is devastating because through sustained and often small acts, the control tactics serve to attack a woman's individual liberty, agency and autonomy. While all women were subjected to coercive control, about three quarters of the research participants – both women who had migrated following marriage and those who were left with their in-laws –

also experienced physical violence. Fifteen women faced physical violence from their husbands only, 11 from their in-laws only while 16 women were subjected to physical abuse from both their husband and his relatives.

One of the respondents, a 29 year old woman from Gujarat who had been brought to Kenya after her marriage, recounted her experiences:

*His harassment escalated over the months. Eventually, I told him, "Now our relationship is about to come to an end. You get me a ticket for India and give me back my passport which you have hidden somewhere." At this, he started beating me in the presence of our landlord. I was very frightened. I went to his friend for help but he told me, "You can't go anywhere. You are staying here illegally; they (police) will put you in jail straightaway". I learnt that he had not brought me there as his wife but as a visitor. The time limit for my stay was over, so I was in deep trouble... When he came home, he beat me badly that night. He threatened me, "If I cut you into pieces and bury you, no one will know about it." From his behaviour, I felt that he was capable of killing me. Over the next few months the beatings continued, even escalated. I knew that I was staying there illegally. So, I didn't know what to do (Shiva, 29).*

Alongside physical violence, men and their families systematically deployed control, isolation and intimidation to effectively entrap women. In line with findings from previous studies, we found that perpetrators exploited migrant women's unfamiliarity with the sources of support available in other countries, including lack of knowledge about police. State immigration policies which restrict the rights of marriage migrants exacerbate the power imbalance in these relationships and become part of the matrix of control that enables abuse to continue (Anitha, 2011; Burman and Chantler, 2005; Menjivar and Salcido, 2002; Thiara, 2010). Where women lived with their in-laws in India, the social norms against divorce and gender norms which imply that married women have no place in their parents' home created a context where in-laws were able to subjugate the women and abuse them with impunity.

#### **Satnam's story**

Satnam lives in a village in Punjab. She belongs to a lower class, lower caste family of farmers. Her husband Jasmeet was introduced to her family by a relative, as they lived in the same village. He was already living and working in the UK at the time, and travelled back and forth. She never came to know what exactly he did for a living. They were married according to the village and caste customs, and his family did not demand dowry. Though poor, Satnam's parents gave her gifts and items to take with her.

Jasmeet only spent two months of the year in India. Satnam lived with her in-laws and faced a lot of violence because she had not brought sufficient dowry. They said they would get him re-married to someone who could give them more. Over the first few years, her husband visited every year, and four years after the marriage, they had two children. The violence continued and her in-laws would periodically throw her and the children out of the house, and she would be allowed to return only when Jasmeet was back. Jasmeet was alcoholic, and used to physically and verbally abuse Satnam and the children. After another four years like this, Satnam's in-laws threw her and the children out of their house.

After separating from Satnam, Jasmeet came back to India and was going to get married for the third time. The marriage was being arranged by the same relative who arranged Satnam's

wedding, and this relative knew about Satnam and her children. When Satnam came to know this, she



started to collect proof to go and warn the prospective bride, and file a case. However, since their marriage wasn't registered, Jasmeet's third marriage was officiated in the court. He had changed his name and his date of birth on official documents to evade scrutiny.

Satnam filed a case of dowry harassment against her in-laws, at which Jasmeet and his third wife fled to the UK. It has been more than a decade but the case is still not resolved. Her in-laws were arrested in the dowry harassment case and released on bail a month later, and now they are no longer allowed to travel abroad. She had filed a case to secure maintenance for her children, and the court fixed a certain amount in her favour, but Jasmeet and his family did not pay her. Jasmeet's family also transferred all their property to his younger brother's name, so now Satnam and her children do not have a legal claim over the property. The police have issued a Look Out Circular (LOC) against Jasmeet, so if he comes to India again he can be caught. His family have offered Satnam an amount of money as financial restitution to compromise and withdraw the case against Jasmeet, however it was too small an amount for her to accept as any kind of justice or livelihood for her and her children. She is still fighting the case, hoping that he can be caught and arrested in India. Though she has his UK address and phone number, which she has submitted to the police, they say they are powerless to actually catch him.

## **Financial abuse: Exploitation of domestic labour and paid work**

A common form of abuse – one that is often underexplored in research on domestic violence - was the exploitation of women's unpaid and paid labour, which brought financial benefits to the husband and his family. In keeping with the gendered expectations about responsibility for domestic work within all societies, all the women we interviewed undertook a range of tasks such as cleaning, cooking and providing care for the older members of the husband's family. All the women interviewed for this study accepted their responsibility for domestic labour after marriage, and had indeed been socialized into such a role. But what they did not expect was that this would be their only or primary role following marriage, in a context where they were not treated with the affection, reciprocity or familiarity accorded to family members.

*About two weeks after our wedding, the domestic servant who used to clean and sweep the house was asked to give up that work. I had to sweep and mop the floor, remove the curtains daily and dust them. The ceiling fans, windows and doors had to be cleaned daily. After all this work, if my mother-in-law found any dust anywhere, she would shout at me and rebuke me. At times, she wouldn't give me anything to eat, or just give stale, leftover food or only chappati (bread). I ...was not allowed to enter the kitchen, a bottle of water was kept for me outside. I was like this full time maid who never had any days off, never had to be paid (Manju, 31).*

*I used to do all the household chores, I was only given two rotis in the morning, two in the evening. I used to hide from them and eat a third roti. They used to push my plate of food towards me with their feet. Nobody else worked in the house, I was treated like a servant. That was the worst time of my life (Anjali, 32).*

Placing food on the floor and using the feet to push it towards this woman was a deliberate measure intended to degrade and subjugate her by treating her as less than human. Beyond the harm caused by unrelenting domestic labour and the abuse associated with the micro-management of this labour to exacting standards, many women recounted systematic and ongoing forms of humiliation designed to deny women their dignity. Women recounted the myriad ways in which this was done – from their in-laws avoiding any conversation with the women, barring them from parts of the house, reserving separate plates and cups for their use to not handling their plate of food. In keeping with the subordinate status accorded to domestic servants, a majority of women who were left with their in-laws were prohibited from using certain furniture, denied adequate food and lodgings (e.g., bed, warm clothes), and restricted within the family home.

*They kept me confined to the kitchen all day. Once, it was so very hot in Delhi, nearly 49 degrees (celsius), you know how it is, and they said, "You just stay in there." I went to a room with a cooler, and my father-in-law started shouting at me, saying, "Who allowed you to switch on the cooler?" They were sleeping with the AC on themselves. It was a really horrible time. ...They loved their own daughter so much, how could they treat someone else's daughter so horribly (Jatinder, 30)?*

Similar to other categories of women who are subjected to domestic servitude and slavery-like conditions (Wittenburg, 2008), women were also denied adequate medical care, as reported by this woman who belongs to a lower middle class family in Gujarat:

*At that time I felt some pain in my stomach. Upon examination, it was found that I had a stone in the kidney. My in-laws did not get me any treatment. Ultimately my mother took me to the hospital and looked after me. But my mother-in-law did not even come to see me*

*there. When I resumed my (paid) work, I still had no respite at home - I had to do all the household chores. ... When I told my husband about the situation, he did not challenge his mother about anything... On the contrary, he said, "This situation will be only for a while. You will eventually come here, won't you (Shiva, 29)?"*

Women who were coerced into having abortions also reported lack of care after the procedure, as told to us by one woman from a small city in Punjab:

*I was forced to have two abortions, and after I came back from the clinic, I had to do all the household chores. They didn't let me rest even for a couple of days (Anjali, 32).*

Women initially tolerated this abuse, as they expected to eventually migrate and join their husbands. Having little understanding of the visa process, it was much later that many women realized that their husbands had never intended to sponsor them.

For a majority of women living with their in-laws in India, female in-laws were often the primary perpetrators of exploitation and abuse. Violence by female in-laws remains a somewhat neglected area of knowledge as the broader assumption of male on female violence informs much research on this subject in the West. Unlike domestic violence in the UK, where over 92% of the perpetrators are men (Hester, 2009), research in South Asia indicates that between 33% to 40% of domestic violence is perpetrated by the wider household, including female in-laws (Bhat and Ullman, 2014; Panchanadeswaran and Koverola, 2005).

There are multiple understandings of female-perpetrated domestic violence in India. Such violence has been understood within the framework of male violence against women, as men remain complicit in the abuse (Bradley et al., 2009; Kapur & Cossman, 1996). Other researchers acknowledge the unique role of mother-in-laws in such acts (Panchanadeswaran & Koverola, 2005), while some perspectives frame it as intra-relational conflict and power struggles between mother/sister-in-law and daughter-in-law, or dowry-related violence (see Gangoli and Rew, 2011). Feminists have analysed the role of female in-laws in perpetrating domestic violence by exploring the question of whose interests this violence serves (Fernandez, 1997; Kandiyoti, 1988). They argue that domestic violence perpetrated by female in-laws can be conceptualised as a form of proxy (male) violence against women because such violence serves male interests in dividing women by using older women to control younger ones in the family (Kandiyoti, 1988; Fernandez, 1997; Gangoli and Rew, 2011). The concept of the 'patriarchal bargain' recognises that women who accept and perpetrate abuse in these relationships can derive social and familial benefits from it. But ultimately, they argue that such violence upholds broader gendered power regimes whilst allowing some women a degree of power over other subordinate women (Kandiyoti, 1988).

Whilst everyday forms of control and enforcement pertaining to women's domestic labour were primarily undertaken by female relatives, in accordance with gendered responsibility for such labour, research participants reported verbal and physical abuse from both female and male in-laws. In some cases, children in the family were also encouraged to participate in acts of abuse such as spitting on the woman. Such treatment would be particularly degrading, given social norms about age and respect that govern adult-children relations in any society.

Women abandoned in India were less likely to undertake paid work (John, 2013). The small minority of marriage migrants and women who lived in cities in India and did undertake paid work were deprived of any control over their earnings or the hours they worked. Financial abuse related to women's paid work was additionally distressing for women who did migrate, as they were not accustomed to undertaking the low-status factory work that is often available to

migrant women in the West, and found the long hours and, in some cases, multiple shifts over the entire week particularly onerous.

Research indicates that unequal division of domestic labour is a norm in most marriages across the world (Lachance-Grzela and Bouchard, 2010; Lyonette and Crompton, 2015). However, the treatment meted out to women in transnational marriages frequently amounted to a systematic exploitation of women's domestic labour and paid work that was akin to domestic servitude and slavery-like conditions.

#### **Chandni's story**

Chandni belongs to a middle class family and lives with her parents in a city in Gujarat. Through a connection at her workplace, her family came to know of Manoj whose family lived and worked in the UK. They got married after which Manoj and his family left for the UK immediately. She applied for the visa twice and was rejected. When she appealed the decision, she found out that the documents submitted by Manoj were incorrect and that was why the visa had been denied. Her in-laws intervened and Chandni got a visa the third time she applied.

She finally went to the UK two years after her marriage. During this time, she had not interacted with Manoj as he was distant and unfriendly on the phone. The day after she arrived, her father-in-law arranged for her to be interviewed at a wholesale pharmacy company and she started working 12 hours a day. Her salary went straight into her father-in-law's account. He also arranged for her to teach Gujarati to local children at the weekends, and the money from this also went to him. She was not allowed to speak with her family without their supervision, and was forced to conceal her situation from them.

Manoj would stay away from the house for long periods of time and she suspected that he had been pressurised into the marriage. There was an incident where Chandni was drugged and was subjected to sexual violence by him, but no one in the family helped her. After Manoj was arrested for a drug-related offence and imprisoned, Chandni managed to call her parents from her colleague's mobile. Chandni finally told her parents what had been going on and they arranged for her uncle, who lived in the UK, to visit Chandni. However, she was not allowed to meet him, and in retaliation her father-in-law got her fired from her job. She was now confined to home and pressured to do all the housework. There was no food for her in the house and she was scared for her safety. Her friends came to visit her and secretly gave her a mobile. She called her parents and her uncle came to take her away. Chandni had kept all her documents and passport with her, and left for India. Chandni asked her in-laws for her wages, but they threatened to deny her a divorce if she caused any trouble.

Since then, she has been trying to obtain a divorce and it has been a costly process for her. She was able to bring back some of her jewellery, but she is seeking financial restitution for the wedding and visa costs and her wages. She faces discrimination in India for being abandoned, but has returned to her earlier job in India and is able to support her parents as well. She would like to adopt a girl child, but because her divorce is not finalised (as he will not come to India to participate in court proceedings), she has been told she is not eligible to adopt.

## Dowry abuse

Dowry was an important factor that contributed to the abuse for all research participants. Expectations or demands for dowry were often articulated immediately before the wedding, and for some, continued over the months and years following the marriage. All women reported the theft of dowry upon abandonment.

*When the marriage was fixed they started demanding more and more (dowry). It was the first wedding in our family – I have six younger sisters. My family felt pressurised, because if the older daughter's marriage is called off then it will be bad for the younger ones. Who will marry them? So my father agreed to their demands... They were like, whatever they laid their hands on, whatever they saw, they wanted it – like a TV with home theatre, furniture of their choice. ... Even after the wedding, my father used to bring something every time he came to see me. ... We have a sweetshop, so they would routinely order bottles of cold drinks, sweets, all of it would get delivered to their place from our shop. My brother or father would come by in the evening, and they always had some demand or the other, we want this, that, this, that. All the time (Kiranpreet, 35).*

*They never asked for dowry during the five days between our meeting and marriage, and soon after the wedding, he returned to the UK. Soon after that his parents began taunting and abusing me saying they had received marriage offers with Rs. 3 crores (£300,000) dowry for their son yet they had brought me into the family with nothing. It was the second marriage for both of us. But they blackmailed me saying, "It's your second marriage, where will you go, you have to bring in the money" (Gita, 29).*

In the above case, when Gita's family could not meet their demands, her husband cancelled his application to sponsor her to the UK to join him and his parents threw her out of their home two months after the wedding. Unfortunately for her, this happened just a week after she had resigned from her job at their insistence, leaving her in a financially precarious position. Women faced ongoing violence and coercion associated with dowry demands, which continued over months and in some cases, years.

The giving and taking of dowry is prohibited under the Dowry Prohibition Act 1961 and subsequently by Sections 304B and 498A of the Indian Penal Code but is a common practice. *Stridhan* - gifts given voluntarily to the bride by her parents and relatives – is recognised in law as a woman's personal property over which she has inalienable rights. The term *stridhan* means 'woman's wealth', though in practice it is controlled by the husband and his parents. Demand for dowry where the bride's family are unable to meet the requirement is a significant (but not the sole) factor in violence against wives in India (Rastogi and Therly, 2006; Rudd, 2001). Not all women experience dowry as a repressive practice and some may consider dowry their rightful share of their parents' wealth, in a context where daughters do not commonly inherit property. However, dowry is a practice that simultaneously reflects and reinforces the devaluation of women. Palriwala and Uberoi (2005, p. xviii) argue that dowry in transnational marriages serves to subsidise global capital. The practice of dowry has been linked to the creation of a cheap and flexible global labour force – dowry payments are directly used to finance men's migration process (Biao, 2005).

Many research participants reported that their dowry was used to fund men's further education or business ventures abroad. Women's parents often incurred debts to make payments in order to enhance men's financial security in their country of residence. By doing this, they hoped to secure the future of their daughters who were expected to join the men at a later date. Once the men completed their studies/established themselves and were entitled to secure immigration

status, they initiated ex-parte divorce proceedings. While deception was a common means of securing additional dowry payments in the first few months following the marriage, consistent with other research findings (Bloch and Rao, 2002), threats were also utilised purposefully and strategically to extract payments.

*He started threatening me, saying, "Give me Rs.20 lakhs (£20,000) to open a restaurant here, then I will bring you to Germany. Otherwise I will divorce you" (Sharanjit, 28).*

*My in-laws asked for Rs. 10 lakhs (£10,000) to file my visa application. My parents managed to raise half that, but my in-laws dropped me off at my parents' house and told me that I was to stay there till they paid the balance. It was only when my parents found the money that I was allowed to go back to their house (Radha, 24).*

In a few cases, meticulous planning and careful strategising enabled men's families to secure a dowry without incurring even the minimal costs that have to be met by a groom's family in a wedding. One woman who lived in a village in Punjab and was one of six sisters recounted the deceptive circumstances of the wedding:

*There were no relatives from their side of the family - no music, no baraat (wedding procession of groom's family and friends), no celebration from their side. There were just the immediate family members. They told us that they had arranged a party back home, but when I went there after the wedding I realised that nobody in their village even knew about the wedding. There is a custom that takes place on the second day after marriage, they didn't invite my sister for that ... And right after the wedding - the day after - their demands for dowry started (Parminder, 28).*

In some marriages, the immediate family of the groom was resident in another country and fled India with the dowry soon after the marriage. Another woman from a poor family in a small town in Gujarat reported:

*He contacted us in response to an (matrimonial) ad my father had put out in a newspaper. He was good looking, had a good job in a hotel in a Gulf state, so we decided to proceed. Their main condition was that the marriage would have to take place in their native town because his mother was too ill to travel – my dad was a bit hesitant but they said they would host the ceremony (a highly unusual offer in a context where the bride's family hosts and pays for the wedding). So we agreed. When we reached groom's house with our extended family, we did not see any sign of celebrations there. They informed us that their uncle was on his death bed, he could die any day now. It would have to be a simple affair, out of respect for him. So, next day, we went to a temple and performed the ceremony, and I moved into my husband's place. Even the neighbours did not know about our marriage! I later found out from the neighbours that he had married twice earlier under similar circumstances. He soon left India and his sister-in-law took the gold that I got as dowry – since there were no wedding expenses, my parents had given me a dowry that was larger than would have otherwise been the case (Arti, 36).*

Over the coming months, her in-laws harassed her for more dowry and she eventually returned to her natal home. After a few months, she made her way to her husband's country of residence to rescue her marriage but faced domestic violence, and eventually returned home and is now seeking the return of her dowry through the legal process.

While exchange of dowry and the continued expectation of gifts from the bride's family are part of most marriage arrangements, it could be argued that extraction of dowry is the primary

purpose of some transnational marriages. This systematic and purposeful dowry abuse takes place in a context where few other aspects of a genuine marriage are realised, and where it is not intended that the couple will ever build a life together.

### **Meena's story**

Meena, who lives in a large city in India, belongs to an upper caste, middle class Hindu family and is highly educated. Her mother received a proposal following a matrimonial ad her parents had placed in their community newsletter. Raj lived in Hong Kong, and Meena began an email correspondence with him. On the eve of the wedding his family began demanding more lavish arrangements, and threatened to call off the wedding. Meena's parents agreed to all their demands.

Following the wedding, Meena faced verbal and physical violence from her husband and in-laws for lack of jewellery and insufficient dowry. Raj barely paid attention to her, and at the in-laws' house she was treated like an unwelcome entity. Her father-in-law behaved inappropriately with her, groping her whenever her husband was not around.

On their honeymoon, Meena felt that Raj was just using her as a sex object. She tried to talk things over with him but he kept demeaning her by making her do things she was not comfortable with. Once they moved to Hong Kong he became nicer, and they developed an intimacy. However, after two-three months he started criticizing her appearance and demanding that she get plastic surgery in India. Her father-in-law also asked her to return to India for "daughter-in-law training" at their house. She returned to India for a vacation and sought doctor's opinions for plastic surgery but was advised against it.

When she returned to Hong Kong, he abused her in every way possible. He had a new girlfriend and flaunted her openly in front of Meena, criticising Meena's appearance in front of her. Meena tried to placate him, but the physical and sexual abuse kept increasing. She decided to stay in Hong Kong to try and save the marriage. She communicated with her parents; stories of her abuse had impacted them physically and financially as they tried to appease Raj's parents.

When Raj and Meena visited India, his father confronted her parents with a long list of 'unfulfilled demands', and threatened divorce if Meena's family did not meet them. Raj abandoned her at her parents' house and refused to speak with her unless they met his dowry demands. He filed for divorce, and she filed a dowry harassment complaint against his family. She went to the police station and to the women's cell (specialist police cells for women which deal with cases of domestic and sexual violence) to seek justice. Her case is ongoing, and she is seeking financial restitution for her wedding costs. She is currently working as a software engineer.

## Sexual abuse and denial of reproductive rights

The extent of sexual abuse within marriage is now widely recognized following research which indicates that an intimate partner is the most common perpetrator of rape (Walby & Allen, 2004). A third of the women reported a continuum of sexual coercion (Kelly, 1988) whereby their husband determined whether or not there were sexual relations in the marriage, and when, where and how sex took place – in some cases while expecting women to accept their secondary status to men's primary partner.

*My husband just didn't care what my choice was. Even when I said no, he didn't listen. It was like this from the beginning. He did what he wanted to, and then fell asleep. There was no attention paid to my needs or happiness. If the baby was awake, I would have to give the baby to my sister-in-law and come back to the bed. After that he would sleep it off and I would take care of the baby. He didn't care (Jasminder, 34).*

*In the beginning, my husband hardly ever came home at night. He used to tell me that he had to work two to three shifts. Later, when he did come home, we used to be in the same room but he would be ... watching horror films. I used to get frightened by such films ...but he would pressurise me to watch and indulge in sexual acts as seen in the films. A few months later, when he went to parties, he would come back with his girlfriend. If I questioned him, he would just laugh it off. His parents never said anything to him about this. When I saw all this I was truly depressed (Asha, 38).*

Where men had been pressurised into the marriage by their parents and did not show any interest in pursuing a relationship with their wife, women were blamed by their in-laws for men's continuation of a prior relationship. In some cases, women were also pressurised to become pregnant, in the belief that this would change men's attitude towards them.

*He never stayed at home – he was out most nights, and I thought, maybe he was with someone else. I refused to have any relations with him, but his parents wanted a grandchild. He complained to his mother, "It seems that this girl does not like me. She does not even allow me to touch her!" When my mother-in-law talked to me about it, I told her, "We haven't even spoken to each other properly yet. How can we have any relations with each other?" After that, one night when I came home from work, my mother-in-law gave me food and milk to drink and I fell asleep. I don't know what happened, what was in it, but when I got up in the morning, I found bite marks on my shoulders, breast, neck, thighs and stomach. I had pain all over my body and in my stomach. I called out but no one was home. When I called up my husband, he told me that he had (sexual) relations with me (Chandni, 35).*

The collusion of the mother-in-law in drugging her made this rape a particularly traumatic experience for Chandni, as she found herself with no one to turn to. A third of the women were denied their reproductive rights: 11 women were coerced to undergo abortions and eight were pressurised to get pregnant. Consistent with previous research (Campbell et al., 2004; Jasinski, 2004), women reported that both verbal and physical violence escalated during pregnancy.

*As soon as I got pregnant, he started saying, "We have to have a son. If you have a daughter I will give you a divorce, that's that, and send you back" (Satinder, 34).*

*He was in the UK while I was in India with my in-laws, and whenever the beatings got too bad, I would visit my parents for a few days. He came back for three months and I got pregnant. I tried to forget all the unhappy incidents of the past. During the seventh month*



*of my pregnancy, he came to visit and we went to see the doctor. When we were told that I would have a baby girl, he became very angry. After that, he started beating me under one pretext or the other - twice he tried to strangle me. The second time he did it, I lost consciousness and fell down. When my parents came to enquire about a ceremony (that celebrates a woman's first pregnancy), my sister-in-law said, "Why do we need to have that when it's a girl" (Raji, 30).*

Although research universally associates pregnancy with the escalation of existing abuse, for participants in our study this seemed to be particularly prevalent where women were pregnant with a girl child. The preference for sons derives from cultural practices like dowry that create economic disincentives for having daughters. Analysing female 'deficit' in the sex ratios, Sen (1990) argues that this is a consequence of sex-selective abortions and the gender-biased allocation of resources leading to lower survival rates of girls in India. Sociological evidence also points to a continued preference for sons among some South Asian communities in the UK: for instance, the rituals that celebrate the birth and critical phases of a child's life are more elaborate and joyous for sons (Purewal, 2003).

There were other contexts in which men denied women their reproductive rights. In one case, the wife's presence was used as a foil for continuing her husband's same-sex relationship. When her pregnancy threatened him with the responsibility of fatherhood and she resisted the pressure to undergo an abortion, physical violence was used to achieve that end.

*He used to stay in America for six months and the next six months he would come to India. While in India, he would take me to various hill stations but every time his partner – a man - was also with us. Once or twice, I saw them having sex. During that time, I became pregnant. I was very happy to learn that, but then he started beating me with stick and iron chain which led to a miscarriage (Bhavi, 50).*

In another case, the husband and his family used this woman's lack of awareness of immigration rules to trick her into having an abortion:

*He told me that I had to get an abortion done, otherwise I would not get my visa for Australia. When I later went to the hospital to get my medical check-up done for my visa, I saw that there were many women who were pregnant and were going abroad, on the same visa that I was going on. When I questioned my mother-in-law, she insisted that they must be going on a different visa (Rani, 28).*

Women left with their in-laws were also vulnerable to sexual harassment from men in the husband's family, as they were perceived to have lost the protection that derives from the husband's claim to exclusive sexual access. Thirteen women recounted ongoing sexual harassment from their male in-laws – primarily the father-in-law.

*My father-in-law ...would always find some chance to touch me, bump into me, or hug me. Twice, he attempted to do such thing. I didn't like it but remained quiet. Third time he touched my thigh. At that time, I started crying loudly and later talked to (husband) on the phone about it. He took my side and quarrelled with his father (Hira, 32).*

For one woman, who was left with her in-laws in Gujarat for several years while her husband returned to the US, the lack of support from her husband meant that she had to find other ways to deal with sexual harassment:

*My father-in-law began coming to the room where I used to sleep with my son to watch me sleeping. When he began to touch me, I used to get up and get angry. Once, I even slapped him. When I told my husband about it he did not believe me. Instead, he threatened me. Then I told my mother-in-law, and she said, "Are you going to disgrace your god-like father-in-law?" ...My parents were not able to accommodate me. I had my own room at my in-laws' place, so I found a way out - I started sleeping with my bedroom locked (Okhaben 42).*

When some women reported sexual abuse by in-laws to other family members or the husband, most were disbelieved and their disclosures were perceived to be false allegations intended to break up the affinal family. This abuse and the lack of support by the husband served as a catalyst for some women's decision to leave the marital home. Where sexual abuse was perpetrated by their husband, a majority of the women did not feel able to disclose to anyone – most of these women indicated that the interview for this research was the first time they had spoken about this abuse and how it had affected them.

### **Jasminder's story**

Jasminder belongs to a lower middle class Sikh family and lives in a small town in Punjab with her parents. Her parents responded to a matrimonial ad from a man living in Singapore. The engagement between Jasminder and Karamjit took place just five days after the two families met, and the wedding followed a few months later. Karamjit and his family made no special demands for dowry, but Jasminder's father gave them furniture and jewellery for each member of his family. By the time the wedding took place, Jasminder had not had the chance to get to know her husband and was not sure if she was going to travel to Singapore.

Two months after the wedding, Karamjit and his family started questioning why she had not conceived and pushed her to go for medical tests. After four months she became pregnant, and things got better for her. As was their custom, she went to her parents' home for the delivery where she gave birth to a girl. Her in-laws did not take any steps to bring her and her baby daughter back. Her parents dropped her back at her in-laws' home. She later found out from her sister-in-law that her husband was very angry that she had given birth to a girl. Against her wishes, she became pregnant again within three months. Meanwhile, her in-laws began to demand additional dowry, and her parents took out loans to satisfy them. She was forced to do all the domestic work. When she refused tests to ascertain the sex of the baby for the purpose of getting an abortion if it was a girl, she was severely beaten up by her husband. She took her baby daughter and left for her parents' house the very next day.

She stayed with her parents till the birth of her second child, a boy. There was no communication from her husband. When they called to tell Karamjit the news, his sister informed them that he had left for Italy because he had got a job there. Her family took Jasminder and the children to her marital home two months later, but they refused to let her enter. At this point, Jasminder's family gathered the village elders and took them to Karamjit's house to reason with the family, but they did not budge.

Jasminder filed a case of dowry harassment and maintenance against Karamjit and his parents, but has had a difficult time navigating the police as they demanded bribes. She approached a politician known for working for women in NRI abandonment cases, but he harassed her for money and did not really help. After eight years, Jasminder has given up hope of criminal prosecution against Karamjit, but hopes for financial restitution and a share of the property for her children. She has taken up work as a teacher and is an active political organizer in her community, but keeps her abandonment a secret for fear of social ostracism.

## The deception and violence of abandonment

Despite continuing and often escalating forms of violence, most women sought to keep their marriage intact. They tried to placate their husband and in-laws through silence and avoidance behaviour as they tolerated everyday acts of control and lived with what they deemed an 'acceptable level' of violence. Such conceptualisations served to normalise this violence and enable the women to stay married. Socio-cultural norms against divorce made it very difficult for women to leave abusive relationships.

For marriage migrants, the added vulnerabilities arising from insecure immigration status limited their options. Men were aware of, and exploited these vulnerabilities, particularly the immigration policies of their country of residence, which rendered women dependent on their abusive partners. Some countries including the UK, Canada and the USA have policies that entitle immigrant women who experience domestic violence to leave their abusive partners and apply for leave to remain in the country. In the context of these policy changes in their country of residence, men utilised the more restrictive immigration policies that operate across transnational spaces to treat their wives as disposable women. As one woman reported:

*He often used to hit me. He would tell me that he had much better girls to choose from. After three years like this, we came to India for a holiday. ... After two to three days, he left me at my mother's place. We had return tickets - we were planning to go back together after two months. But he phoned me and said he was returning to the UK that very night and I should come back later. I was surprised, but I thought, he must have got some new project at work. We all went to the airport to see him off and he left. Later on, he suggested that I stay on to attend English classes so I could pass some exams that I was planning to take in the UK, so I extended my return ticket. It was only later that I realised that he was waiting for my visa to expire. As soon as the deadline passed, he called to say he was going to divorce me (Hira, 32).*

Of the 23 research participants who migrated upon marriage, sixteen were taken back to India and abandoned and their visa revoked, thus depriving them of their right to be represented in any divorce proceedings in the country where the man resided, to claim financial settlement, or secure the return of dowry. Abandonment across transnational borders meant that women were unable to initiate any criminal proceedings against the men for domestic violence, and unable to claim the rights to settlement to which they were entitled in some countries.

A majority of women who were left with their in-laws while they waited for the sponsorship documents gradually realised that their husband and his family had no such plans for them.

*They used to beat me almost daily. My husband used to beat me with a belt, hanger or whatever was at hand. My mother-in-law would also beat me. After almost a month, my husband left for London. Before leaving he whispered to me, "Live according to mum's instructions - don't expect anything from me." I asked, "Won't you phone me" he did not reply, he did not even say bye to me while leaving for London. Then there was no phone call, no letter. My so-called husband just disappeared. And back in his house, I was under strict watch. Except for cleaning the compound, I was not allowed to go outside, there was no phone. It was as if I was in a jail (Manju, 31).*

The purpose of the marriage was to secure a dowry and domestic labour for the in-laws' household. A few women recounted how they answered back, resisted any attempts at victim-blaming, defended their parents against accusations of inadequate dowry, and tried to hold on to their dignity in the face of constant attempts to undermine them. For some women, the process of abandonment was triggered when they began challenging their in-laws or where women's

families became unwilling to continue making dowry payments. Of the 35 women who were left with their in-laws, a majority were eventually thrown out like this woman in Gujarat:

*Soon after the marriage, my mother-in-law and my husband, who had earlier said that they don't want anything, began demanding a car and other costly items, and started harassing my father for them. When we could no longer satisfy their demands, my husband commented, "Our divorce will come about very quickly, won't it?" I thought he was joking. But I realised later that he was indeed telling the truth (Namita, 26).*

Consistent with previous research (Chaudhuri et al., 2014; Rao et al., 2000), we found that a majority of women eventually sought help clandestinely from multiple informal sources, including neighbours, domestic servants, any sympathetic relatives in their husband's family, their parents or siblings. Based on the common belief that domestic violence is a private matter, initial disclosures to neighbours and friends often led to tacit condoning of the violence. Most women themselves involved their family in order to negotiate with the abusers to minimise the abuse or secure guarantees of better treatment in order to enable the marriage to persist. This research confirms the findings of Chaudhuri et al. (2014) who characterise these strategies as efforts to bargain with patriarchal arrangements, which were, however, largely ineffective.

As the violence escalated, familial support in the form of a brief stay at the natal home to escape the violence, negotiation with the husband's family or a dowry payment to mitigate the violence was often forthcoming. Initially this support was conditional upon the woman's efforts to 'make the marriage work' through compromise and 'adjustment', values women are often socialised into from an early age (Ahmed-Ghosh, 2004; Panchanadeswaran and Koverola, 2005). Eventually, about a quarter of our research participants fled to their parent's home when the violence became unbearable.

*I was not allowed to go anywhere or talk to anyone. Our domestic maid was there one day, I gave her vessels to wash and asked if I could use her mobile and fortunately my brother picked it up. I asked him to come and take me home. He said he would come the next day but I said, "No, come today, you may not find me alive tomorrow" (Manju, 31).*

*I came back (from Italy) with my son because I felt I had no option. He would demand money from my family and beat me all the time. When I came back, I went to my in-laws' place. My mother-in-law said, "Let him marry again if he wants to. You stay with us in our house. Just think that your husband is dead and you're a widow." ...I said fine, ... just transfer my husband's share of your property to our son's name, so that I'll have some security in this house. My father-in-law refused, "No way," he said. They wanted me to stay in the house just to clean and cook. They kept saying that he could have two families. They insisted that we don't tell anyone the truth. My husband would call up and threaten us, "I'll get the kid kidnapped from school, what will you do then?" Even now he does not want to divorce, he wants me to stay with his parents (Satinder 34).*

Men and their families were able to dominate, abuse and exploit women, secure in the knowledge that the women would not be protected by the legal frameworks in India and across transnational spaces. Men who lived in countries where such protection exists, strategically abandoned their wives in India in order to deprive them of any resources or rights. The period between the marriage and the abandonment varied vastly, with some women being abandoned following appropriation of their dowry within two weeks of the wedding, while a few women who were left with their in-laws remained there for up to eight years before being cast out or leaving because of the violence. Most women's marriages lasted between two to three years.

### **Kamalpreet's story**

Kamalpreet's parents are engaged in agricultural work, and they all live in a small city in Punjab. Her family received a marriage proposal for her from Amandeep, whose family live in the UK. They got engaged while Kamalpreet was still at college and were married eight months later. Amandeep's family did not want dowry, but wanted Kamalpreet's family to arrange a grand wedding and give gifts of jewellery and gold to their relatives. After the wedding, she lived with her husband's family for 15 days before they returned to the UK.

When Kamalpreet arrived in the UK a few months later she found that Amandeep constantly criticized her for not being like the girls in the UK, and wanted her to change and fit in. She was upset at his complete lack of interest in her. She found work in a food processing factory, and started helping out at the family jewellery store. She began working overtime as she was unhappy at home. Amandeep had told her he had no money to give her, but when she worked overtime he made her give most of her earnings to his parents. Meanwhile, Amandeep began living in a separate room and ignored her completely. She eventually began to suspect that he had married her following pressure from his family, and she began challenging him and his family at the ambivalent status of her marriage.

She eventually told her brother about her situation, but her parents did not want her to come back. When she did go back to India, she found that everywhere she went, she faced questions about the status of her marriage. She found that her circumstances were worse in India, and decided to go back to the UK.

When she reached the airport in the UK a month later, she was detained by the immigration authorities who informed her that she had no right to enter the UK. Bewildered, she looked through the bag of documents her husband had given her and realised that a parcel she signed for when it had been delivered to her home in the UK many months back contained the documents serving her notice about the divorce, and gave her six weeks to respond. She used up most of the money she had with her to purchase a ticket back to Delhi.

In Delhi, she finally told her parents all that had happened. They went to the police authorities, the women's cell, and a politician. She filed a police report, but no one was able to help her. The period to respond to the notification of the divorce proceedings had passed, so she had no control over what was happening. The divorce went through in the UK, and Amandeep is free. Kamalpreet has filed several complaints in India, as the marriage is registered in India. All the jewellery her parents gave to Amandeep's family during the wedding and all her personal jewellery is still with Amandeep's family. It has been a few years but there has been no action taken, and no justice for her. Kamalpreet found a job and is now financially secure.

## **Surviving domestic violence: Women's attempts to seek justice following abandonment**

Lack of awareness about the laws in an alien country acted to the detriment of the abandoned women, as their husbands utilised the legal system of the foreign country to their own advantage. In India, divorce requires the presence and participation of both parties to the marriage in court proceedings. Most legal systems in the West allow divorce where only one party participates in the proceedings. Where the husbands initiated ex-parte divorce proceedings, a majority of the women did not know that this was happening; some received the notification but did not understand the meaning of the documents sent to them; and those who did, lacked the resources to represent themselves in court proceedings in another country. In some cases, women remained unaware that they had been divorced even after the completion of the process in their husband's country. Given that court cases in India take years to resolve, the women could not comprehend a legal process which gives women as little as six weeks to register a response, as in the UK. Women therefore had no opportunity to negotiate any financial settlement, including the return of their dowry or any maintenance for their children.

All but four of the women who participated in the research had sought help from the police, some had filed a report against their husband and/or their in-laws with the police, and a smaller number were engaged in judicial proceedings. According to NCW estimates, there are more than 15,000 abandoned women in Punjab alone. According to the NRI & Women Wing, only 561 complaints about abandonment were made at the NRI police cells in Punjab between 2012-14, following which 189 First Information Reports (FIR)<sup>7</sup> were registered. The remaining complaints resulted in an early compromise agreement or were deemed to lack sufficient evidence by the police. Similar to other forms of domestic violence, it would be reasonable to presume that the vast majority of women do not seek help from the police.

### ***Women's initial attempts to secure a compromise***

In the first instance, women and their families reached out to village elders and community leaders to negotiate with their in-laws. If this failed, women sought to utilise the criminal justice processes to negotiate with their husband and his family. The police too commonly perceived mediation as their role. One police officer from an NRI cell in Punjab reported:

*It is not the duty of the police to arrange a compromise. But we do counselling in NRI cells... and there is an attempt in abandoned cases to keep the family and relationship intact, resolve small misunderstandings, so that the marriage can be saved. If the man's family gives no response, and we find that there have been dowry demands and physical or mental torture to the woman, then ... a case may be filed.*

Where women had been thrown out of their in-laws' home, even lawyers working on abandoned women's cases perceived restoration of the relationship as the ideal solution, as this lawyer working in a small town in Punjab reported: "In my personal opinion, I would say that somehow the girl should be rehabilitated into her in-laws' family, and get settled there." In a context where divorce carries significant social stigma and once married, women are no longer considered to have a place in their parents' home, many women who had been thrown out of the marital home sought police help to restore their residence in their in-laws' household. Despite abuse and violence by their in-laws and/or the husband, most women stated their willingness to join him should he sponsor them. A small minority of women sought to stay with their in-laws in the absence of any sponsorship by their husband. Failing that, or where the violence was deemed intolerable, women sought police help to recover their dowry and seek a financial settlement.

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<sup>7</sup> Complaint lodged with the police by the victim, which sets the process of criminal justice in motion.

In a discussion about the social constraints which shape women and their family's expectations from the police, this senior police officer from Punjab reflected on their practice:

*Although the police are not supposed to mediate, they are compelled to mediate. Justice delayed is justice denied. You cannot make a woman appear in endless proceedings, the legal processes are slow, and it is difficult for a woman from a village to travel to a city court - there are frequent adjournments. She won't travel alone, she will be accompanied by a family member and the costs are high. ... If you compare it to the West, the role of the police is very different. But we have to understand it in this context.*

However, a senior lawyer who specialises in abandoned women's cases in Punjab and Delhi argued that the mediation in police stations is a deeply flawed process:

*The police are not sensitized or legally equipped to handle mediation. I don't think you can find effective mediation through police stations, but if done under the guidance of courts through the mediation cells, it could work. And it would provide a fair deal to the parties rather than them feeling pushed or forced to accept. We need these kinds of institutionalized settings and professionally handled programmes.*

### ***Women's experiences of registering cases with the police***

Feminist interventions over the past two decades have sought to move away from an incident-centred understanding of domestic violence – from a focus on the number of incidents of violence inflicted and the severity of each incident – to one that reframes domestic violence as a deprivation of liberty. The concept of coercive control (Stark, 2007) is insightful because it moves beyond injury to an understanding of the harm caused by domestic violence. Stark argues that physical and sexual abuse is commonly interwoven with the three important tactics of control, intimidation and isolation. Gangoli and Rew (2011) argue that these understandings are not reflected in the judicial and legal practice in India, where domestic violence is commonly reduced to grave physical injury, death or dowry-related violence. The main law pertaining to domestic violence in India is section 498A, while section 304 relates to dowry-related violence. Though section 498A provides an adequate definition of domestic violence as cruelty against married women in their marital home and includes physical and mental cruelty, police were extremely reluctant to use this law unless it was accompanied by a dowry claim. One woman from a small town in Punjab who had battled for years to get maintenance for her son observed:

*What we've realised is that the police attitude is to not register the cases, (they want to) settle it out of court, to go for a compromise. ...they just don't want to get entangled - they brainwash us. Domestic violence is not properly defined in our law, psychological torture and exploitation is not properly defined... I did want a court case, but everyone told me it just takes too long, six to eight years (Satinder, 34).*

In four cases, police intervention served to re-orient the power imbalance between the two families. These women successfully used the law on domestic violence and dowry to register police cases against their husbands and/or in-laws and secured a financial settlement that they were satisfied with, and which enabled them to secure their future. One woman reported:

*I went to the police station. The marks of beating were fresh and visible on my body. So, the complaint was registered under section 498A of the Domestic Violence Act. I came home and left the house with my son. I took nothing but the laptop which my husband had given my son. My mother-in-law and sister-in-law filed a case against me. So the police put me in jail for stealing from the house. I stayed in the jail for three days. I was firm on my stand that the laptop was given to my son by his father and since I was not*

*taking anything else, I was going to take the laptop with me. The police and the lawyers who were present there also felt that I was right. So, they allowed me to go to my parent's place. We eventually arrived at a compromise, and they gave me Rs. 15 lakh (£15,000). I have put some in a fixed deposit for my son, and the interest from the remaining money helps us meet our household expenses (Okhaben 42).*

In the absence of tangible evidence of severe physical injury, and sometimes despite such evidence, many women reported that the police remained reluctant to file the FIR. Women who tried to negotiate their way through the criminal justice system found the process expensive, time-consuming and disempowering, as one woman who lived in a town in Punjab reported:

*My husband no longer wanted me, my in-laws had turned me out of the house, I had two small children, what was I going to do? We filed a case, and that was it. People started taking advantage of us. Whoever we went to, gave us some bogus advice, and took money from us as bribes. ... everyone wanted money, they harassed us so much. We had not got the marriage registered, but we had photos. "This proof doesn't work, that doesn't work, bring documents for this and that." They asked for documents from the gurudwara where we married. When we got them, they asked who the granthi (priest) was, we needed his testimony. So we hired a car and brought him all the way there and back. The rental for the car, the petrol, food and his stay – we had to pay for all that. Nothing proceeds smoothly in our system, right? The next person said they were busy, come tomorrow, afterwards. And so it went on for months. His family eventually bribed the police, and nothing came of it. We lost all that money for nothing (Jasminder, 34).*

In some cases, women attributed such police inaction to bribery and corruption, as the in-laws had access to greater financial resources and remittances from their son while women's parents were reluctant to use up scarce family resources after they had already lost so much.

*I heard that my husband had come to India for a wedding. I registered an FIR at the police station and he was arrested and his passport was confiscated. But he bribed the police and got his passport back and left the country the very next day (Bhavi, 50).*

For most women, there was no satisfactory resolution as the police would not register a case, could not follow up on a case because the husband and his family were domiciled abroad and in some cases did not pursue the case adequately. One police officer from Punjab reported:

*If the man and his family are all abroad ... we can try to contact them over email and register a case. The courts can declare him a Proclaimed Offender and issue a Look Out Circular. But if he never comes back, what can we do?*

### ***Women's experiences of legal processes***

About a quarter of the women we interviewed had been or were currently engaged in court proceedings, most of them for several years. Men's residence in another country, their family's relatively better financial resources, and the long-drawn nature of the legal processes were some of the barriers women encountered. In four cases, men's families acted purposively to thwart women's attempts to secure justice. Their strategies included placing an advertisement in the newspaper disowning the man, or transferring men's property to a sibling. The lawyers we interviewed confirmed that such tactics helped men evade women's claims on their property. One lawyer from a small town in Punjab recounted his struggles to secure justice for his client:

*I have this case, the husband had a property in his name. We filed a case for maintenance – he has two children – and we attached the property in that case. So what*



*he did was, he made up a back-dated agreement to sell it to his brother. And his brother filed a claim against the husband, saying that there was an agreement to sell and now he is not following through. So the family – they are all in it together – have fraudulently taken the property out of the wife’s reach. We are challenging this in court which will take its own time, maybe another five to ten years. Meanwhile, the wife has nothing.*

In 2011, in response to concerns about abandoned women’s lack of access to judicial processes in other countries, the Indian government instituted a fund (worth \$3000 per case) to enable such women to access legal services in their husband’s country of residence. However, Pragna Patel from SBS argues that there is little transparency in the procedures used to select eligible organisations and allocate such funding. Only one of the 28 women who had been abandoned by a UK resident was aware of this provision, and this woman received one phone call from an organization in the UK which was paid to act on her behalf, but has heard nothing since.

### ***Impact of abandonment on women***

The impact of abandonment were many – women were left financially dependent on their families, were often blamed for the end of their marriages, reported a loss of relationships with extended family and friends, a detrimental impact on the social standing of their family, difficulty in securing employment and the loss of good marriage prospects of younger sisters. The loss of dowry upon abandonment and having to return to their parental home placed some women in a precarious position as a potential threat to the inheritance of their brothers.

*Things are not easy here – all I can say is that I stay here. But my brother tells me all the time that I should give up my share in my father's property. My father possesses two houses and receives a considerable pension. But my brother says he will look after me and get my daughter married only if I renounce my inheritance. If I give up my right and my relations with my brother and his wife deteriorate, where will I go (Jasma, 38).*

Where there had been no formal divorce proceedings, women were left in a legal limbo and lacked the option of securing their future by marrying again. The stigma associated with abandonment made it difficult for some women to undertake paid work, particularly in the smaller towns and rural areas.

*We had to leave our village because they used to say, this girl has been abandoned. In the village, if you get out and ask for a job, they ask you, are you divorced? I would say no, the case is ongoing. So we moved to the city. Before coming here, we decided that we would not tell anyone. Everyone here thinks that my husband is abroad and I'm living happily with my parents. If I told them, they would gossip about me (Jasminder, 34).*

Most of the women we interviewed were still trying to find some resolution that would enable them to secure their future financially, while others had given up all hope after expending considerable time and their meagre financial resources. None of the women managed to secure regular maintenance, while only a few secured the return of their dowry or an equitable financial settlement. Many women also sought criminal sanctions against their husbands and/or in-laws, but to no avail. It seems apt to end with the words of this woman from a small town in Punjab:

*I found out later that he has done this to three women. If nothing happens to them, this is what they'll continue doing! They say, “You can't do anything, we will not go for a settlement.” He has always threatened me, saying I was powerless. He would taunt me, “Can you come all the way here (to the UK)? Can you reach me? Show me if you can.” Sometimes I think he was right about that. The law does not work for women like me, nothing can harm these men who are abroad, no one can get to them (Jatinder, 30).*

## 5. Conclusion

This research highlights Indian women's experiences of abandonment in transnational marriages. The findings demonstrate the difficulties women face in seeking advocacy, justice, or any other form of assistance from state institutions and community organisations in India or in their husband's country. There are several local and transnational contexts that explain the abuse, exploitation and abandonment of wives. The inequalities within the institution of marriage are exacerbated by the geopolitical inequalities between nations, whereby the groom's family is able to command greater resources, mobility, knowledge of state institutions and legal mechanisms. Some incidents of abuse and abandonment follow marriages where men may have been pressurised by their family. For men in these marriages, there exist avenues such as divorce or nullity, but women have little recourse for the deception, abuse and the financial and social consequences of abandonment. In the majority of cases documented in this research, men colluded with their families to marry, thereby securing a care-giver, a source of domestic labour and the accompanying status in their community. The findings suggest that cultural practices and dominant social norms which make for patriarchal control and devaluation of women including dowry and son preference played an important role in the violence and abandonment that ensued in all the cases we documented. More crucially, the inadequacy of national and transnational legal mechanisms serve to construct transnational brides as particularly vulnerable.

The experiences of transnationally abandoned women raise four pivotal questions. These relate to: how gender operates in transnational contexts; the reasons for this; what the effects of gender are across transnational spaces and processes; and the ideologies operative within them (Mahler and Pessar, 2001, p. 441). Attention to these questions requires us to consider how gender and migration intersect to produce particular forms of violence against women.

In the West, abandonment within the context of marriage is generally not considered a form of violence against women. In the case of transnational marriages, abandonment is embedded within a pattern of domestic violence and coercive control exercised over the woman. Additionally, by strategically abandoning their wives in their home country and then filing for divorce in foreign courts, transnationally mobile South Asian migrant men make it almost impossible for their wives to participate in legal proceedings. These actions by husbands deprive women of their financial rights such as an equitable settlement upon divorce, child custody and recovery of dowry. The impact of abandonment also creates contexts for further forms of violence against women due to the stigma associated with divorce, women's vulnerability within natal families and issues related to inheritance and residence arrangements within the natal home after divorce. This research shows that beyond the various processes of control and individual acts of harm that lead to and outlast the act of abandonment in transnational marriages, abandonment itself constitutes a form of violence against women. It is rooted in and results in gendered devaluation of women and is enabled by gender-blind transnational formal-legal frameworks, which construct abandoned women as an inferior class of citizens and as a category of women who can be abused and exploited with impunity.

Addressing the issues arising from this research will require a range of mechanisms at local, national and transnational arenas. Strengthening women's organisations and specialist service provision in India and in the countries with large Indian diasporas will help support victims of abandonment in their quest for justice. However, it is only by addressing the very structures that enhance women's vulnerabilities that a lasting solution can be found. We urgently need better protection of women's human rights within and across national boundaries. Not only will this enable perpetrators to be held to account, it will also help dismantle the structures and processes because of which some men perceive transnational wives as disposable women whose abuse is not a matter of concern.

## 6. Recommendations

### Recommendations for the UK:

Given the systematic way in which women's rights are being infringed, a comprehensive response is required from service providers, judiciary and policy makers, both at the national level in India and in countries with large Indian diasporas, such as the UK.

#### *Immigration policy and practice:*

1. Abandonment is a form of violence against women and most often deliberately perpetrated to defeat the rights of women, including their right to remain in the UK under the DV Rule. There is an urgent need for a stated policy in immigration rules to recognise the plight of women who once resided in the UK (no matter how briefly) but have since been abandoned abroad. There is an urgent need to recognise that such women should be entitled to claim under the Domestic Violence Rule (DV Rule) and the Destitution and Domestic Violence (DDV) Concession and to be treated in all respects as domestic violence victims.

2. Such women should be issued with temporary visas outside the rules, and without conditions attached. The visa should be granted under a stated policy to someone who is a potential witness/participant or party to legal proceedings. This will enable women to avail the DV Rule and initiate or engage in criminal and family or civil court proceedings.

3. Under the new appeal structure in the Immigration Act 2014, unlike human rights cases, domestic violence applications have been specifically excluded and do not attract a full right of appeal but simply an administrative review. This is inconsistent and unacceptable – victims of domestic violence need to have full rights of appeal. There can be no policy justification for stating that a domestic violence application is not an implicit human rights issue.

4. At the point of their visa application, British embassies abroad should automatically give women information in an accessible format that sets out their rights and entitlements in the UK under immigration and family law, including the right to protection from the civil and criminal courts.

#### *Divorce and Family Matters:*

1. Greater awareness and procedural checks and safeguards are necessary in divorce and family law processes in order to ensure that women who have been abandoned abroad have the opportunity to participate in family law proceedings on an equal footing. These include:

- a) 'Red flagging' divorce cases where one party is abroad, by the central administration office processing divorce applications to ensure that these cases are subject to additional scrutiny;
- b) Hearings of divorces involving foreign spouses should automatically go to the High Court;
- c) Changes to service requirements in divorce petitions are needed where service is to take place abroad to help to safeguard against forgery in relation to issues of consent and acknowledgment of divorce petitions. For example, there could be a lengthier period of service (currently 6 weeks) of about 3 months and more stringent rules could be instituted in relation to the question of what is deemed to be service;
- d) Procedures should be in place to allow for the party abroad to take part in proceedings remotely (by telephone and skype) as a matter of routine.

2. Consider reciprocal arrangements that allow for the enforcement of legal decisions concerning divorce, support, maintenance, residency and contact with children in contexts of overlapping jurisdictions. Mechanisms to address this could include ratifying bilateral or multilateral agreements with countries that have large diaspora populations in the UK.

3. Consider a training programme for the judiciary to understand better the social realities of South Asian women who live abroad for whom divorce carries severe stigma and adverse financial, mental health welfare consequences. The judiciary needs to be better informed so that decisions on maintenance, children and property settlements avoid reinforcing and perpetuating gender discrimination and inequality.
4. There needs to be better judicial understanding of the practices of *stridhan* and dowry in divorce, maintenance and other financial settlements so that women are not left destitute and dependent on their own families. *Stridhan* and dowries should be perceived as pre-marital assets. The family court's aim should be to restore the parties to the position they were in before marriage. The family courts should also adduce more expert evidence on dowry and *stridhan* issues where the recovery of dowry/*stridhan* is sought.
5. Consider financial compensation to reflect abandonment as a particularly aggravating form of abuse when making decisions around financial and property settlements upon divorce.
6. In cases involving children's abduction and abandonment abroad, judicial guidance should insist that the immigration authorities allow the abandoned spouse to return to the UK to take part in the proceedings.

***Other suggested avenues of redress:***

1. The police should consider the possibility of bringing criminal proceedings in the UK where a crime is committed abroad by a British national or someone settled in the UK. Abandonment is domestic violence since it involves controlling and coercive behaviour.
2. Financial compensation to reflect abandonment as a particularly aggravating form of abuse should be considered in criminal proceedings.

**Recommendations for India:**

1. The provisions of the Punjab Compulsory Registration of Marriages Act 2012 – which records the passport number and details of non-resident spouses at the time of the registration of marriage - needs to be extended to other states.
2. Alongside the registration of marriage, the registration of dowry/*stridhan* given to the bride should also be made compulsory.
3. The process for selection of organisations under the Indian MOIA's Scheme for giving legal / financial assistance to Indian women deserted by their overseas husbands (2011) needs to be transparent, and the effectiveness of the scheme needs to be evaluated.
4. There is a need for a mechanism to obtain redress and the enforcement of legal decisions concerning divorce, support and maintenance in contexts of split jurisdiction, including ratifying bilateral agreements with countries having a large Indian diaspora.
5. An ex-parte decree of divorce awarded to an Indian woman by a foreign court should be a basis on which she can seek a divorce in India. This will enable her to move out of the current legal limbo resulting from her inability to obtain a divorce without her husband's presence and participation in court proceedings in India.
6. There is a need for raising awareness and providing information on this issue, and information about the law making the registration of marriages compulsory.

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