



Changing nature and emerging patterns of domestic violence in global contexts: Dowry abuse and the transnational abandonment of wives in India

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ABSTRACT

This paper argues for the need to understand dowry-related abuse through a lens that focuses not only on micro- and meso-level gendered socio-cultural milieus and economic norms, but also on macro-level formal-legal structures and global power asymmetries. Based on life-history narratives of 57 women in India and 21 practitioner interviews, this paper documents a growing phenomenon whereby men who are resident in another country abuse their Indian-origin wives, appropriate their dowry and abandon them. While dowry-related abuse in such marriages is part of a continuum of domestic violence prevalent in South Asia and the South Asian diaspora, we explore how gender and migration intersect to exacerbate existing forms of violence against women and foster new forms of violence such as transnational abandonment. Gender-blind transnational formal-legal frameworks and gendered and transnational structural inequalities come together to construct transnational brides as “disposable women” who can be abused, exploited and cast aside with impunity.

Introduction

Media reports in India, corroborated by non-governmental organisations and government institutions, suggest a growing problem of abandonment of wives by Indian-origin men domiciled in another country (Gupta, 2016). Based on the extent and nature of calls from transnationally abandoned women who contact Southall Black Sisters (SBS)¹ in the UK, its Director, Pragna Patel delineates three main forms of abandonment: (i) 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; (ii) a woman who has migrated with her husband after marriage may be deceived into visiting India and abandoned there, while her husband returns and revokes her visa; (iii) a woman may be left behind with her in-laws in India after marriage while her husband goes back with assurances that he will sponsor her visa, but the woman is eventually ousted from their home or leaves because of domestic violence.

In 2008, the Indian government nominated the National Commission for Woman (NCW) to respond to issues pertaining to Non-Resident Indian (NRI)² marriages. Government estimates have suggested that abandonment in transnational marriages affects approximately 20,000 women in total (NCW, undated, 1). The basis on which such estimates have been made is not clear.³ What is evident from media reports (Gupta, 2016), women's organisations in the West (Dasgupta & Rudra, 2009) and research 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.

This paper explores the experiences of 57 transnationally abandoned women from the states of Punjab, Delhi and Gujarat in India. While neglect, emotional, verbal, financial and physical violence, sexual violence by husband or his relatives and denial of reproductive

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¹ Southall Black Sisters (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.

² 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 here, reflecting the voices of the women and the practitioners interviewed for this study.

³ There has been no systematic research on the scale of this problem in India, but various estimates have been put forward by government agencies, media and NGOs. Dasgupta and Rudra (2009: 18) note that estimates range from 20,000 abandoned brides upwards. They quote India's minister for Overseas Indian Affairs, Vayalar Ravi, who stated in 2008 that in Punjab alone, at least 20,000 legal cases were pending against NRI husbands, presumably for abandoning their wives. In 2009, National Commission for Women's (NCW) chairperson, Ms. Girija Vyas, commented that “out of 10 NRI marriages, two result in the wife being abandoned after honeymoon”, a figure that has been repeated in the media (Gupta, 2016; TOI 2009). It is not clear how these agencies have arrived at these figures.

rights were recurring themes in transnational marriages and are discussed elsewhere (Anitha, Roy, & Yalamarty, 2018), our focus here is on the particular manifestations and impacts of dowry-related abuse in the context of transnational marriage and abandonment.

Dowry and domestic violence in India

In the context of India, dowry has been recognised as a key factor that underpins domestic violence (Rastogi and Therly, 2006)—both among affluent families where dowry expectations are high (Bloch & Rao, 2002) and for women from poorer families unable to fulfil dowry demands (Srinivasan & Bedi, 2007). Dowry has also been implicated in other forms of gender-based violence such as sex-selective abortions (Sen, 2003). Traditionally a wedding gift given by upper caste Hindu parents in North India to daughters as part of a strategy for hypergamy, dowry is an aspect of marriage transactions and capital accumulation in other parts of the world as well (Srinivasan and Lee (2004). 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. It has become a near-universal phenomenon among different Hindu castes and Sikhs, and has spread to other hitherto non-practicing communities, including Muslims and Christians (Waheed, 2009). Research also documents the prevalence (Bhopal, 2009; Biao, 2005; Menski, 1998) and changing forms of dowry in the process of migration and settlement of Indian-origin diaspora in the adopted country (Bhachu, 1985; Sheel, 2005). Media reports in the UK and Australia have recently documented the prevalence of dowry-related abuse (Amara, 2014; Jones, 2017). Even though the giving and taking of dowry is prohibited in India under the Dowry Prohibition Act 1961 and subsequently by Sections 304B and 498A of the Indian Penal Code, it remains 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, though in practice it is controlled by the husband and his parents.

However, not all women experience dowry as a repressive practice and some may consider dowry a rightful share of their parents' wealth in a context where daughters do not commonly inherit property. Recent scholarship disassociates the presumed automatic causal link between dowry and domestic violence by emphasising that the giving of dowry does not always result in domestic violence, and not all domestic violence is related to dowry-demands (Bradley, Tomalin, & Subramaniam, 2009). However, this scholarship recognises the significance of dowry-related domestic violence and problematises dowry even in cases where there may not be associated violence, as the practice of dowry simultaneously reflects and reinforces the devaluation of women. Extending Stark's (2007) concept of coercive control to the context of violence against women in India, Gangoli and Rew (2011) argue that patriarchal gender relations within society and marriage norms such as patrilocality and women's subordinate status as new brides create a "conductive context" (Kelly, 2016) for abusive behaviour by female in-laws.

Anti-dowry movement in India

Through the anti-dowry movement in the 1980s, women's organisations in India succeeded in bringing out the violence hidden within the family and the home out into the public, foregrounding women's vulnerability arising out of their powerlessness and making dowry-related violence a matter of public concern. The many creative strategies used by the women's groups in Delhi and surrounding areas included street plays, performed in front of the houses where dowry deaths had taken place, to publicly shame known perpetrators. The movement succeeded in catalysing into existence Section 498A (1983) and Section 304B (1986) of the Indian Penal Code to tackle cruelty against women with regard to dowry demands and dowry deaths, respectively. Up until

1983, there were no specific provisions that addressed violence within the home. Thereafter, husbands could be convicted under the criminal charges of murder, abetment to suicide, as well as causing hurt and wrongful confinement.

The problem, however, was that violence within the home was being singularly attributed to the issue of dowry, which was understood as a cause rather than a symptom. Flavia Agnes (1992, p. WS-25) cautions against pinning the blame for all forms of violence against women and girls—from female foeticide, infanticide to domestic violence—to the practice of dowry. She argues that though the initial demand by women's groups focused on laws to prevent dowry-related violence, this ultimately proved to be inadequate for the task of dealing with wider domestic violence (Agnes, 1992). Even as the clause defining cruelty under Section 498A was picked up by activists to address myriad kinds of violence, the vague definition of cruelty was interpreted by the police in such a way that a woman had to endure a very high threshold of violent conduct to be able to access the law (Jaising, 2009, p. 51).⁴ One of the effects of such a lacuna in the legislation was that women who went to file complaints of domestic abuse were often made to connect their complaint with dowry in some way, in order to be eligible to file a complaint under Section 498A or Section 304B, thereby sometimes undermining the credibility of their complaint (Agnes, 1992, WS-25). The spectacular and gruesome nature of dowry deaths and bride-burnings overshadowed and concealed the more "mundane" and "everyday" abuse that women faced at home. Based on these insights and a concerted campaign by women's groups, the Protection of Women from Domestic Violence Act (PWDVA) was passed in 2005. The PWDVA expands existing definitions of domestic violence to include "verbal, emotional, sexual, and economic abuse, and allows women civil and/or criminal redress for violations of the Act" (Lawyers' Collective, 2012). It represents a comprehensive framework in India to address the issue of domestic violence through institutional provisions, and marks the first acknowledgement by the Indian state of the forms of violence experienced within the domestic sphere, other than dowry deaths.

In our own research, we have seen that dowry-related violence figures as a significant component of the spectrum of violence faced by women abandoned in transnational marriages and sections 498A and 304B of the IPC are crucial legal tools utilised by women, practitioners and lawyers in seeking justice. Within the structure of transnational marriages, the perceived high status and opportunities for upward and outward mobility presented by NRI grooms leads to newer kinds of dowry demands. Our research explores how dowry-related violence becomes particularly magnified as it "travels" on a transnational scale, as women are especially disempowered and dispossessed by gendered and global hierarchies of power as well as the nature of formal-legal systems, and allows us to further investigate the new and altered contexts of this violence in a transnational marriage.

Research methods

The aim of this study—conducted in 2013–2016—was to understand the problem of transnational abandonment of wives in the Indian states of Delhi, Punjab and Gujarat, which have a long and diverse history of out-migration going back to the period of British colonial rule in India. The research aimed to understand the nature and impact of neglect, abuse and abandonment and document women's experience of help-seeking and service provision. A key objective of the research was to stimulate policy debates to address this problem. Ethical approval was obtained from the relevant ethics committee at the University of Lincoln.

⁴ Cruelty was defined to mean any willful conduct which could have driven the woman to commit suicide – or caused grave injury to her or posed a danger to her life, limb or health (either mental or physical) (Jaising, 2009, p. 51).

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