

ATROCIOUS PHALLOCENTRIC VIGNETTES WITHIN THE INDIAN DIASPORIC NUPTIAL DISCOURSE: LITERARY FACTS FOR LEGISLATIVE FRAMEWORK

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ABSTRACT

One of the dominating dimensions of the Indian diasporic nuptial discourse presents a volley of vignettes where Indian brides wedded to Non-resident Indian (NRI) grooms continue to confront various problems perpetuated by their spouses. These problems include domestic violence, lying, cheating, false promises, dowry demands, quick divorces, desertion, rape and what not. Their problems mushroom manifold due to their biological, sociological, political, linguistic and jurisprudential bottlenecks. Taking undue advantage of such multi-pronged vulnerability, both diasporic community and natives of the country where these women are diasporized, fritter away no opportunity to exploit them. This results in the diasporic nuptial conundrum.

Placing English literature in harness with law, the current paper aims at making an interdisciplinary insight into nuances of Indian diasporic nuptial conundrum. In this regard, the present paper provides panoptical panoply of the literary evidence to corroborate the above-enumerated grisly facts. The selective filmy and non-filmy diasporic fiction – the Immigrant¹, the Provoked² and The Death of Passport³ – form fulcrum of the literary evidence so as to gauge the graveness and gamut of the problem. Having gauged the same, the paper seeks to suggest remedial legislative framework and ultimately wind the issue up.

1. Introduction

The grave issue of Indian women trapped in wedlock with NRIs, particularly in the northern states such as Punjab, has assumed abysmally appalling proportions. A peep into annals of literary archives of Indian diasporic nuptial discourse lays bare factual avalanche of ghastly incidents ranging from blatant domestic violence to lying, cheating, false promises, dowry demands, quick divorces, desertion, rape and what not. Much to the distress of these female victims, they live countless miles away from their family. The yawning spatial distance shuts out chance of immediate relief or rescue. Biological, linguistic, social and political constraints add to

their woe. To cap it all, there is a vacuum of an omnibus jurisprudence and a single judicature to govern such aspects which exacerbates the scenario. The whole scenario may be termed as a diasporic nuptial conundrum in which NRI wives languish incessantly.

2. Indian Diasporic Nuptial Discourse

Indian diasporic nuptial discourse, having the feministic underpinning, tends to hypothesize the discourse which deals with Indian brides wedded to NRI grooms and not vice versa. It exposes those NRI grooms who take their wives abroad, phallogically objectify them and make them writhe in atrocious conditions (either physical or psychological or the both) and the wives who are unable to weather the writhing conditions are deserted to be exploited in the world where no one from the family, society or polity might rescue them from keeling over – given the yawning spatial distance.

3. Literary facts for legislative framework

The present paper zooms in on post-nuptial vicissitudes of life of Indian brides wedded to NRI grooms. Reportedly trapped in torturous whirlpool of post-nuptial barbarities of their in-laws, these women whirl on and on viciously. Kaleidoscopic trajectory of these vicissitudes has been traced from the selective diasporic fictions of English literature. In the present context, filmy as well as non-filmy diasporic fiction has been culled. Given below are vignettes of literary facts which have selectively been pieced together to project plight of Indian brides wedded to NRI grooms.

3.1 Women's wounded existence in the Immigrant:

The novel 'Immigrant' is a projection of plight of a woman named Nina wedded to Ananda – who doesn't reveal the vital conjugal fact to his wife. A passionate woman, she is miffed to discover that her husband harbours a sexual dysfunction that requires the spritzing effects of a dental anaesthetic spray.⁴ Thus, in *The Immigrant*, Nina, the heroine, suffers owing to her husband's sexual impotence. Ananda's impotence does away with Nina's conjugal needs. This poignant revelation coupled with the yawning distance from family even aggravates her sense of dislocation which has been encapsulated in the following way:

She finds her husband asleep before she came out of bathroom for first night of their marital life. And even in the succeeding nights at Canada he continues to take deep sleeps and cannot please her. Ananda's impotence is the main cause for Nina's marital agony. Nina becomes lonely at a place 10,000 miles away from her mother and ex-colleagues in Miranda House.⁵

Ananda's impotence might gnaw at Nina all the more in the light of the fact that bringing up Nina's baby is her mother's abiding aspiration. And much to her distress, her mother passes away with her abiding aspiration unappeased.

3.2 Women's wounded existence in Provoked:

Provoked is the cinematic adaptation of the true story of Kiranjit Ahluwalia, a Punjabi woman who moves to London after her marriage with Deepak Ahluwalia. Seemed affectionate in the beginning, he begins to beat her up. He starts drinking a lot and sleeping around with other women. He also commits spousal rape. After ten years of victimization, out of fright, she sets

him ablaze while he is sleeping and is sentenced to prison for life for premeditated murder. The New York Times, outlining the contour of physio-psychological violence, puts:

The director, Jag Mundhra, leads us daintily through his heroine's arrest, trial and subsequent sentencing to life imprisonment. Sketchy flashbacks reveal a glowing immigrant bride and a husband, Deepak (Naveen Andrews), who's rather too fond of the bottle. He also enjoys tossing his wife down the stairs to deter her from dressing "to copy white girls."⁶

Thus, the cinematic diasporic fiction 'Provoked' unearths brutality piled upon the protagonist, which includes domestic violence, spousal rape, non-assertion of legal rights owing to linguistic barriers and what not. Thus the victim is provoked to get herself criminalized.

3.3 Women's wounded existence in The Death of Passport

The novel narrates the travails of Seema, who is ruthlessly deserted in Canada by her husband. The husband retains her only child, leaving her unaccompanied to survive. Having deserted by her husband, she falls into the category of illegal immigrant and, thus, loses avenue of earning livelihood legally. In her bid to eke out living illegally in the absence of any other kosher option, she is subjected to sexual abuse and mental torture committed not only by Canadians but by Indian diaspora as well. Jostling for an existential space, she is compelled to criminalize herself by destroying her passport.

Seema's woe – symbolic of the woe of many women wedded abroad – is well-epitomized in the following lines:

This is Iqbal Ramoowalia's first novel, which narrates a sorrowful tale of a Punjabi girl who, having deserted by her NRI groom, lives a tumultuous life as an illegal immigrant in Canada. An illegal Immigrant in Canada, Seema suffers a series of agonies, which include physical abuse, financial exploitation, and mental torture. No matter whom she encounters – her dearest friend's husband, a priest in a temple, a female owner of a restaurant, or an unclean defrauder – the defenseless woman finds the zipper of everybody's pants ajar.⁷

Thus, having deserted by diasporic families, flesh of such females is pecked at by the vultures hovering about in the guise of sympathetic diasporic community and natives where such females are diasporized. Left in the lurch by their own spouses, such females are left with no other option than to adopt kamikaze attitude (as adopted by Seema and Kiranjit), no matter whether such attitude is kosher or not.

4. Causes behind diasporic nuptial conundrum

Nina of 'Immigrant', Kiranjit of 'Provoked' and Seema of 'The Death of Passport' typify all those NRI brides who are tragically trapped in diasporic nuptial conundrum. What yanks them into labyrinthine conundrum is the typical Indians' proclivity for an exodus to foreign countries as it offers them and their family greener pastures. In the zeal not to abandon avaricious avenue, the families wholly wink at even the common cautions that are exercised in a typical arranged marriage. Besides, these brides are pretty alien to the labyrinth of socio-legal normative nuances of the foreign land. Most of all, not being permanent resident and alien to the new society

coupled with genetic acquisition of feminine delicacy, they become easily vulnerable to exploitation of their husbands. It has been observed:

The aggravated risks in such marriages, the woman being isolated far away from home in an alien land, inevitably facing constraints of language, communication, lack of knowledge of local criminal justice, police and legal system, lack of support network of friends and family to turn to, lack of immediate and readily available monetary support and a place to take shelter in, are issues that no one likes to talk or hear about at the time of marriage.⁸

So much so, the legal snags and international jurisprudential juggernaut come to nag them. Such nagging trajectory has been typified in the following way:

In this already complex scenario where matrimonial disputes are placed, the legal complications get multiplied manifold when a marriage steps out of the borders of a country and therefore the boundaries of the country's legal system, in a phenomenon that has come to be known as the "NRI marriages". These marriages have to then enter the domain – often called the 'maze' - of private international law that deals with the interplay and conflict of laws of different countries, which makes the issues therein that much more complex.⁹

This is how, interplay of factors – biological (genetic acquisition of feminine delicacy), sociological (alien to a new society, lack of support network of friends and family to turn to), economic (green pastures, lack of immediate and readily available monetary support and a place to take shelter in), political (not permanent), linguistic (constraints of language, communication) and jurisprudential (no knowledge of laws) worsens the scenario and exposes feminine vulnerability exploited by one and all in the foreign land.

4. Remedial Legislative Framework

The government should resort to a clear and comprehensive remedial legislative framework for rescuing Indian women ensnared in wedlock with overseas Indians. Such remedial legislative framework should address the following issues which form the kernel of kerfuffle raised over the conundrum:

- Such legislation should, predominantly, stipulate that the government should include those countries into bilateral agreements where the Indian Diaspora exists.
- It should address jurisprudential issues cropping out of NRI marriages. Such law should be banked upon basis of progressive principles of private international law, as well as through the Indian judgments.
- It should keep up with kaleidoscope of issues ranging from validity of the marriage itself, the choice of law of marriage and divorce, the jurisdiction of courts, validity, recognition and enforceability of orders passed by foreign courts, particularly the ex parte divorces or orders of custody or maintenance, powers of Indian courts to restrain legal proceedings of the foreign court and/ or to pass contrary judgments in India in cross-actions; service of notices, orders passed by the Indian Courts, dealing with criminal acts committed by the husband and in-laws like dowry demands, battering and other forms of matrimonial cruelty, fraud or misrepresentation, adultery/ bigamy, forcibly taking away custody of or abduction of children – choice of law/ forum, subjecting offender to trial dealing with

absconding, and enforcement of punishment, property rights of the deserted or ill-treated wife and children, especially in ancestral or in-laws' properties in India.

- It should comprehend in its fold the issue of dealing with the parents who tend to feign ignorance regarding the whereabouts of their son and disown the son, leaving the woman with no protection or shelter.
- It should permit the NRI wife to claim maintenance and share in parental properties expeditiously and to claim rights of residence in their properties even if the NRI son has no share in it legally, if the nexus between the parents and the NRI son can be shown and also to invalidate any alienation or change in ownership of family properties after case is filed by the NRI wife.
- It should include more detailed particulars of spouse in passports apart from attaching her photographs.
- It should introduce provisions for requirement of updating of passports of NRI men after marriage to include marital status, to make a stricter offence for fake passport.

5. Conclusion

The conundrum has caused quite a kerfuffle on diasporic firmament of India. It has underscored the urgent exigency to introduce safeguards to shield these women and sensitize them about their rights and responsibilities on the one hand and galvanize into operation socio-legal defense mechanisms that are available and assistive on the other. Undoubtedly, a remedial legislative framework is sine qua non for bettering the lot of the battered brides at the hand of their ruthless husbands. However, kitchen cabinets or kangaroo courts should be kept clear and a kinetic remedial legislative framework should be kept up with.

It must be dawned upon the think tank and policy framers that in vacuum of governmental intervention and awareness raising drives, the much-cherished outcome are bound to veer away. Hence, apart from jurisprudential revamps, more subtle changes must also be wrought, in social attitudes and political will. Apparently, all we need, *inter alia*, at such a critical juncture, is the juxtaposed junction of social mobilization, political lobbying, women sensitization and governmental involvement against the diasporic conundrum. These measures possess the potential of thwarting the diasporic conundrum from thriving on and on. So, no opportunity should be frittered away to resuscitate the flagging faith of females abroad in the judicature and the judicious intelligentsia.

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