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LEGAL AND MARITAL ISSUES OF WOMEN OF INDIAN ORIGIN

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The theme of yesterday's GOPIO Conference – *Indian Diaspora's role in the new economic world order* - and today's overall theme – *Women of Indian origin – issues and solutions* - are inextricably linked. While we must use this occasion to celebrate the achievements of people of Indian origin and to commit ourselves to be key players in the new economic world order, we must also honestly address some of the serious issues that impact on the lives of Indian women in many countries around the world and seek to find solutions to these issues.

Although I shall focus on issues relating to Indian women in particular, we all know that many of these issues relate to women in other ethnic communities.

For the continuing advancement of humanity, we must take heed of the words of **Swami Vivekananda** who said, "That country and that nation which doesn't respect women will never become great now, nor will it ever in future and in pursuit of making India a great nation, let us work towards giving women their much deserved status."

I wish to start with some good news about Indian marriages. Marriage is supposed a sacred relationship. In many countries, including Trinidad and Tobago (TT) – my country of origin, the strength of Indian marriage and family life within these communities is emulated by many people of other ethnic groups. There are countless examples about the sacrifices that Indian men and women continue to make to ensure that their families prosper.

While we focus on some of the negative aspects of the topic under discussion, let us remember that there are millions of marriages in which Indian women are treated with dignity. The list of Indian women who have attained great heights in all fields of endeavour worldwide is long indeed. But the list of Indian women who continue to suffer because of legal and marital issues that impact adversely on their lives is also long.

It is important to remember that these issues are to be found in all strata of society, in most countries and within all religions. We live in challenging times where morals and values, particularly family values, are being eroded. Each of us has a role to play in swimming counter cultural to strengthen marriage and family life.

Indian women, like other women, are guaranteed equality in the Constitutions and/or other laws in countries around the world. But the reality of the daily plight of women falls short of the ideal outlined in these instruments.

The writer, Gagandeep Kaur Malhotra rightly notes that “The life of average Indian women is still governed by customs, habits, prejudices and unwritten codes of conduct...the legal equality which women enjoy under the Constitution and the special privileges are all in papers.”

Like other human beings, every Indian woman is of worth; every Indian woman was created by God with dignity. Each of us is diminished when this dignity is trampled upon e.g. during marriage. Pope Benedict XVI urges the world to promote authentic integral human development, that is, the development of every dimension of the person and of every person – no one should be left behind.

It was Martin Luther King Jr. who said: “Injustice anywhere, is a threat to justice everywhere.” We must act NOW to rid the world of injustice that stultifies the development of Indian women in our world. Now is the time to stand in solidarity with our sisters in their time of need.

Because of time constraints, it will not be possible for me to focus in any depth in each of these issues. I am sure you can add to the following list of issues that need to be addressed. They are in no particular order:

- the lack of respect for Indian women shown in advertisements in the media stating: *Light skin Indian woman wanted for marriage*
- Poverty and social exclusion (which is wider than poverty) – link to the caste system, the lack of access to education for many Indian girl children, illiteracy, unemployment, organ selling, discrimination, poor skills, low incomes, poor housing, poor health, high crime environs, and family breakdown
- the many forms of Domestic violence e.g. psychological/emotional, verbal, sexual, financial/economic and physical abuse, which occurs across all communities regardless of social class, religion, ethnic background and age
- child marriages
- forced marriages
- problems in love marriages and arranged marriages
- honour related violence e.g. honour killings
- infidelity
- bonded/forced labour
- dowry abuse/dowry killings
- sati (outlawed in India – see Sati Prevention Act 1987)
- suicide/depression
- gender selection – pre-natal selection and selective abortion - link to foeticide/abortion – some hospitals in UK have decided not to tell families the gender of the child after ultra sound
- land rights
- inheritance and marriage laws
- discrimination against Indian widows
- incest
- human trafficking
- alcoholism
- drug abuse
- rape and rape within marriage
- HIV/AIDS etc.

Malhotra rightly says that the protection of Indian women's constitutional and legal rights requires more than laws, policies, procedures and practices that reflect their dignity and worth as human beings, made in God's image and likeness. What is also required is a change of mindset on the part of both men and women.

She says: "The condition of women in India cannot be improved by any single method or merely by pronouncing the words 'Women Empowerment'. There is need to change the traditional mental set-up which is deep rooted in the minds of women only then this concept can turn into reality. I still keep asking myself the same question, and so do many of us: Are women getting their due share in the society?"

A 2008 study by Purussottam Nayak (North-Eastern Hill University) and Bidisha Mahanta on *Women Empowerment in India* - using various indicators based on data from secondary sources – "reveals that women of India are relatively disempowered and they enjoy somewhat lower status than that of men in spite of many efforts undertaken by government. Gender gap exists regarding access to education and employment. Household decision making power and freedom of movement of women vary considerably with their age, education and employment status. It is found that acceptance of unequal gender norms by women are still prevailing in the society. More than half of the women believe wife beating to be justified for one reason or the other."

The article "Gender Justice" states: "Complete gender justice is complex to achieve typically in a country like India. The diversity of cultures, subcultures, is vast and there is a lot of rigidity in traditions and beliefs.

"Lack of education, lack of development, poverty, improper enforcement of the laws, lack of awareness among women, deep rooted patriarchy, economic dependence of women, all lead to the subversive condition of women in our society...Gender development in any sphere in any country is a key component of the development and overall welfare of any state." ([www.legalserviceindia.com/article/l1358-Gender-Justice states](http://www.legalserviceindia.com/article/l1358-Gender-Justice+states))

Any consideration of our topic, therefore, must take into consideration the part that religion, culture, customs and tradition play in creating conditions that prevent many Indian women - living in any part of the world - from realising their potential and from enjoying harmony and respect within marriage.

I shall now focus on some of the major issues listed above:

A. Poverty and social exclusion:

The Web site of the UK's Social Exclusion Task Force defines social exclusion as follows: "Social exclusion is a shorthand term for what can happen when people or areas have a combination of problems, such as unemployment, discrimination, poor skills, low incomes, poor housing, high crime, and family breakdown. These problems are linked and mutually reinforcing.

“Social exclusion is an extreme consequence of what happens when people do not get a fair deal throughout their lives and find themselves in difficult situations. This pattern of disadvantage can be transmitted from one generation to the next.”
(http://www.cabinetoffice.gov.uk/social_exclusion_task_force/context.aspx)

Link the above to caste system.

On Thurs 22 Oct Archbishop Francis Chullikatt, permanent observer of the Holy See at the United Nations, said at a meeting of the UN General Assembly that we have the means to end worldwide poverty, but the question is whether we have the will to accomplish it.

"Whatever the form it takes", he said, "poverty is an insult to our common humanity that so many people around the world continue to suffer."

ORGAN SELLING: Poverty is leading many people in India – women and men, to sell their organs. There are major ethical and social implications related to this practice. The World Health Organisation has stated that it is “deeply concerned with the ‘immoral’ traffic of organs” and has urged member countries to ban it.

Despite a ban by the Indian Government in 1992, trade in human organs still flourishes. A 2002 investigative report by the BBC highlights the fact that organs are sold mainly to Westerners who have been waiting for a transplant. Those interviewed said that they sold their organs to pay of debts and to buy food. The report states that “Many are duped or conned into giving up their kidneys unknowingly or for very little sums of money”.

The website: www.american.edu states that India is known by some as “a great organ bazaar” or a “warehouse for kidneys”. A 2002 study shows that “selling a kidney fails to rescue Indians from poverty and may be associated with a decline in health” (see: *Economic and health consequences of selling a kidney in India* by Madhav Goyal, MD, MPH; Ravindra L. Mehta, MBBS, MD; Lawrence J. Schneiderman, MD; Ashwini R. Sehgal, MD).

BONDED/FORCED LABOUR: Poverty is also linked to *bonded/forced labour*. This contemporary form of slavery is described in www.everychild.org.uk: “Many poor families end up in debt to the landowners whose land they live and work on, caught in a trap of exploitation. Their whole families, including children, are forced to work, paying in labour for spiralling interest on debts that grow, and that can never be paid off. It is an oppressive system called “bonded labour” – keeping families in virtual slavery for generations. The real tragedy is when parents are so desperate that they make the agonising choice to send their children away to work in an attempt to help pay off their debts... Discrimination keeps them in crippling poverty.”

B. Violence against women (including domestic violence)

Many countries:

- signed up to the UN’s Convention on the Elimination Of All forms of Discrimination Against Women which came into force in 1981

- state that they are committed to achieving the Millennium Development Goals – some of which goals relate specifically to women’s well-being
- have introduced laws relating to violence against women – including Domestic Violence,

yet this plague continues apace and affects Indian women.

Violence can take many forms, including psychological/emotional, verbal, sexual, financial/economic and physical abuse. Some examples of the ways in which violence against Indian women manifests itself is outlined in this paper – see earlier list.

Rachel Carter, Head of Policy and Advocacy, of the UK-based NGO, Womankind Worldwide, rightly states that after the Beijing Conference, “the massive gap left to be plugged is implementation. There is a tendency for some governments to see their country strategies, legislation, and policies as an end rather than a means to an end...climate change and the rise in fundamentalism have made it worse for women. Women’s rights are being eroded.”

I was one of those who participated in a march - organised by the Million Women Rise Coalition - in Hyde Park in London in 2008 to mark International Women’s day. The words uttered by Sabrina Qureshi, Coordinator of the Coalition, are worth reflecting on:

“Violence against women violates life, liberty, bodily integrity, freedom of movement and the dignity of the person. We must reverse these trends.”

Enforcement of laws is a major issue to be addressed. Domestic violence is considered to be the silent killer of women worldwide. It is estimated that from 1/4 to 1/2 of women worldwide experience domestic violence during marriage.

A comprehensive 2006 study by the World Health Organisation – published on Oct 6 2006 in The Lancet, the British medical journal states:

“Domestic violence plagues women worldwide. Violence against women by their live-in spouses or partners is a widespread phenomenon, both in the developed and developing world, as well as in rural and urban areas... Most partner abuse is hidden, and only a tiny fraction is reported to the authorities.”

“Just over 1/3 of Indian women aged 15-49 said they had experienced domestic violence according to a 2007 National Family Health Survey. Latest govt. stats show that overall violence against women has increased by nearly 25% between 2003 and 2007 (posted on 7 Jan 2010 - www.thingsasian.com).

Countries need to seriously consider whether or not they have an integrated response to this issue – whether they have put in place the infrastructure necessary to reduce/eliminate the incidence of domestic violence e.g. special police units to deal with complaints, sufficient counsellors and social workers, 24 hour hotlines, safe houses. How does the criminal and legal system in our countries deal with such issues? Is there a Children’s Authority that protects the rights of children affected by domestic violence?

Some years ago my father, an Attorney-at-Law, represented 2 Indian children – male and female - who were charged with the murder of their father. After years of violence at the hands of their alcoholic father, they struck him with a stone and tied him to a tree to prevent him from attacking their mother with a razor while he was drunk. He died from dehydration. The case was dismissed after a Preliminary Inquiry at which the Magistrate determined that the children had acted in self-defence to protect their mother. Alcoholism is a major contributor to domestic violence.

Also too many women remain in abusive relationships hoping that things will change. In fact, it appears that some of our girls are being socially conditioned to accept violence against them. Some time ago, I was a member of a panel that focused on Domestic Violence. This was held at the University of the West Indies. Sixth Formers were invited. After my presentation, a male Indian youth stated boldly: “I see nothing wrong if a man wants to drink his rum and come home and beat his wife. It’s his house.”

What was even more disturbing was the statement made by a female Indian youth sitting next to him. She said: “If you love the man, you will take the licks.” We need to educate our children/adults that violence against women is unacceptable and will not be tolerated. We must promote the self-esteem of our girls and women and empower them to stand up for their rights.

C. Prenatal selection and selective abortion/female foeticide:

Sex selective abortions have been banned in India for more than 15 years. Yet research by Prabhat Jha of St Michael's Hospital at the University of Toronto, Canada, and Rajesh Kumar of the Postgraduate Institute of Medical Research in Chandigarh, India, published in 2006 for the British Journal, the Lancet, states that prenatal selection and selective abortion was causing the loss of approx. 500,000 girls a year – and this is a conservative estimate.

The researchers said “Experts in India say female foeticide is mostly linked to socio-economic factors. It is an idea that many say carries over from the time India was a predominantly agrarian society where boys were considered an extra pair of hands on the farm. The girl child has traditionally been considered inferior and a liability - a bride's dowry can cripple a poor family financially.”

The BBC's Jill McGivering says “the problem is complicated by advances in technology. Ultrasound machines must be officially registered but many are now so light and portable, they are hard to monitor. Although doctors in India must not tell couples the sex of a foetus, in practice, some just use coded signals instead.

“In 2005 the well-known religious leader and social activist, Swami Agnivesh, began a campaign across five northern and western Indian states against female foeticide.

‘There’s no other form of violence that’s more painful, more abhorrent, more shameful,’ he said.’ (news.bbc.co.uk/2/hi/south_asia/4592890.stm)

I understand that many hospitals in the UK will not give information about the gender of the child after ultrasounds.

D. Infidelity in marriage remains a major problem. Inter alia, it relates to growing promiscuity in societies and the ambitions of social climbers. Untold damage is done to marriages and family life as a result of infidelity. Both men and women can be unfaithful. I know of numerous cases where men, including Indian men, who have become financially well-to-do, suddenly find faults with their wives and use this as an excuse to become involved in extra-marital relationships. Some of my pro-bono legal work involves giving advice to women in such situations regarding their property and other rights.

E. Self-harm by some Indian women due to marital problems:

Consultants Faria Khan (consultant in child and adolescent psychology in Lancashire) and Waqas Waheed (Academic consultant psychiatrist and Honorary Clinical Lecturer at Manchester Univ.) report on the comparatively high prevalence of depression, self-harm and suicide among ethnic minority groups in the UK - particularly among Asians in relation to suicides. (See the journal ‘Psychiatry’ (Vol 8, issue 7, July 2009, p261 – 264), *Suicide and self harm among south Asian immigrants*: [www.psychiatryjournal.co.uk/article/S1476-1793\(09\)00106-2/abstract](http://www.psychiatryjournal.co.uk/article/S1476-1793(09)00106-2/abstract)). They said:

“Social and cultural factors, mainly social integration and religion, play an important part in determining varying rates of suicide. Cross-sectional surveys suggest that factors to do with people’s attempts to commit suicide relate to both their home culture and the culture of the host country – ‘acculturation stress’. This may increase the likelihood of attempted suicide. Committing suicide by burning, poisoning and using pesticides are common in female migrants.

“Nonetheless this behaviour is seen as the last resort. Since Burke first examined self-harm in South Asian immigrants in 1976, there have been a number of studies in this area. Nonetheless we have found only one published study on interventions for South Asian women who harm themselves in the UK. There are a number of different approaches being used to overcome the threat of self-harm in the white population, as yet there is no firm recommendation for the treatment and prevention of deliberate self-harm in South Asians.

“One possible approach is to look at South Asian groups individually on the basis of their national identity and religious affiliation. In the majority of studies concerning self-harm in Asians, the author(s) did not consider the diversity that exists within the South Asian community. Diversity in South Asian communities is seen primarily in terms of national identity (country of their family origin) or religious affiliation. Therefore diversity within South Asian communities is mentioned in terms of

Pakistani, Bangladeshi, and Indian etc. In most studies concerning self-harm and Asians, Pakistani, Indian and Bangladeshi subjects were all generally placed under the same category of South Asian. However, differences between each of these groups in terms of language, religion and economic circumstances do exist. The details of specific differences within each minority ethnic group should be examined before services can be appropriately tailored. Furthermore, each of the groups (i.e. Pakistani, Bangladeshi etc.) should be investigated individually in order to obtain a more accurate picture of the problem at hand.

*** See also - the UK journal: *Annals of General Psychiatry*, 2006 5,7:
Self-harm in British South Asian women: psychosocial correlates and strategies for prevention by MI Husain, W Waheed and Nusrat Husain. (www.annals-general-psychiatry.com/content/5/1/7)

Inter alia, their paper “provides a list of possible precipitating factors and analyses the factors that drive Asian women in the UK to harm themselves. South Asian women are significantly more likely to self harm between ages 16–24 years than white women. Across all age groups the rates of self harm are lower in South Asian men as compared to South Asian women. These women are generally younger, likely to be married and less likely to be unemployed or use alcohol or other drugs. They report more relationship problems within the family. South Asian women are less likely to attend the ER with repeat episode since they hold the view that mainstream services do not meet their needs... One major precipitating factor in South Asian Women who harm themselves is marital problems.”

Such studies can assist us as we seek to promote justice for Indian women.

F. Rape and rape in marriage

Rape and rape in marriage remain key social ills in most countries. “Different types of rape include but are not limited to: date rape, gang rape, marital rape or spousal rape, incestual rape, child sexual abuse, prison rape, acquaintance rape, war rape and statutory rape. (Wikipedia).

(See 2 reports published in March 2010 by Amnesty International on the issue of rape - www.amnesty.org/.../rape-victims-worldwide-denied-justice-and-dignity-2010-03-08).

Rape in marriage has been illegal in Britain since 1991.

Recently (Oct 14, 2010) Sheikh Maulana Abu Sayeed, President of Britain’s Islamic Sharia Council, sparked controversy in Britain by claiming that it is impossible for men to rape their wives. A report on msnbc.com says that the Maulana stated “on The Samosa blog (and repeated to the Independent Newspaper in the UK) that ‘sexual intercourse is part of marriage’ and suggested that husbands who commit such acts should not be prosecuted. He said: ‘Of course, if it happened without her desire, that is no good, that is not desirable.’ Sayeed told The Samosa that if husband ‘does

something against her wish or in a bad time' that he 'may be disciplined, and he may be made to ask forgiveness. That should be enough.'

"When contacted by The Independent, the cleric added: 'In Islamic sharia, rape is adultery by force. So long as the woman is his wife, it cannot be termed as rape. It is reprehensible, but we do not call it rape.'"

"Cheshire police Chief Constable Dave Whatton criticized the comments. 'The majority of rapes do not take place through strangers attacking women late at night but between acquaintances and within marriages and partnerships,' he told The Independent.

"Inayat Bunglawala, chairman of Muslims4UK, added: 'Sheikh Sayeed's comments are woefully misguided and entirely inappropriate. Rape — whether within marriage or outside it — is an abominable act and is clearly against the law.'"

G. Honour killings –

Wikipedia tells us that "The United Nations Population Fund ((UNFPA)) estimates that the annual worldwide total of honour-killing victims may be as high as 5,000. Many women's groups in the Middle East and Southwest Asia suspect the victims are at least four times more. (UNFPA: "A Human Rights and Health Priority". United Nations Population Fund. <http://www.unfpa.org/swp/2000/english/ch03.html>).

"An honour killing (also called a customary killing) is the murder of a family or clan member by one or more fellow family members, in which the perpetrators (and potentially the wider community) believe the victim to have brought dishonour upon the family, clan, or community.

Reasons for honour killing:

The perceived dishonour is normally the result of the following behaviours, or the suspicion of such behaviours:

- a. wanting to terminate or prevent an arranged marriage or desiring to marry by own choice – seeking a divorce also,
- b. marrying without their family's acceptance, in some cases for marrying outside their caste (Jat or Rajput) or religion
- c. utilizing dress codes unacceptable to the family/community,
- d. engaging in certain sexual acts, including those with the opposite or same sex.

An Amnesty International report (1999) noted 'the failure of the authorities to prevent these killings by investigating and punishing the perpetrators.'"

I urge you to read Robert Fisk's "*Honour killing files: The crimewave that shames the world*". (The Independent Newspaper, UK, 7 September 2010, <http://www.independent.co.uk/opinion/commentators/fisk/the-crimewave-that-shames-the-world-2072201.html>).

There are honour killings not only among Indians but also in other cultures e.g. Turkey, Lebanon, Saudi Arabia, Palestine and Israel, Jordan, Egypt. The practice has been brought to Canada, USA, UK etc.

Fisk says: "It's one of the last great taboos: the murder of at least 20,000 women a year in the name of 'honour'. Nor is the problem confined to the Middle East: the contagion is spreading rapidly. It is a tragedy, a horror, a crime against humanity. The details of the murders – of the women beheaded, burned to death, stoned to death, stabbed, electrocuted, strangled and buried alive for the 'honour' of their families – are as barbaric as they are shameful. Many women's groups in the Middle East and South-west Asia suspect the victims are at least four times the United Nations' latest world figure of around 5,000 deaths a year. Most of the victims are young; many are teenagers, slaughtered under a vile tradition that goes back hundreds of years but which now spans half the globe.

"A 10-month investigation by The Independent in Jordan, Pakistan, Egypt, Gaza and the West Bank has unearthed terrifying details of murder most foul. Men are also killed for 'honour' and, despite its identification by journalists as a largely Muslim practice, Christian and Hindu communities have stooped to the same crimes. Indeed, the 'honour' of families, communities and tribes transcends religion and human mercy. But voluntary women's groups, human rights organisations, Amnesty International and news archives suggest that the slaughter of the innocent for 'dishonouring' their families is increasing by the year."

"It is difficult to remain unemotional at the vast and detailed catalogue of these crimes... And, of course, we should perhaps end this catalogue of crime in Britain, where only in the past few years have we ourselves woken to the reality of 'honour' crimes; of Surjit Athwal, a Punjabi Sikh woman murdered on the orders of her London-based mother-in-law for trying to escape a violent marriage; of 15-year-old Tulay Goren, a Turkish Kurd from north London, tortured and murdered by her Shia Muslim father because she wished to marry a Sunni Muslim man; of Heshu Yones, 16, stabbed to death by her father in 2005 for going out with a Christian boy; of Caneze Riaz, burned alive by her husband in Accrington, along with their four children – the youngest 10 years old – because of their "Western ways". Mohamed Riaz was a Muslim Pakistani from the North-West Frontier Province. He died of burns two days after the murders.

"Scotland Yard long ago admitted it would have to review over a hundred deaths, some going back more than a decade, which now appear to have been 'honour' killings."

Fisk lists "a few of the murders, a few names, a small selection of horror stories across the world to prove the pervasive, spreading infection of what must be recognised as a mass crime, a tradition of family savagery that brooks no merciful intervention, no state law, rarely any remorse."

H. Forced Marriages usually involves some kind of duress. Thousands of young girls and women are forced into marriages each year. Many of these go unreported. Guidelines for police (www.lbp.police.uk/publications/dealing_with/introduction_to.htm) outline the difference between arranged and forced marriage. Inter alia, the guidelines state:

“The majority of cases of forced marriage encountered in the UK involve South Asian families. However, despite appearances, this is not solely an "Asian" problem. A reason for this disparity is that the UK has a large Asian population. There are also cases involving families from East Asia, the Middle East, Europe and Africa...Some forced marriages take place in the UK with no overseas element while others involve a partner coming from overseas or a British citizen being sent abroad...

“Parents who force their children to marry often justify their behaviour as protecting their children, building stronger families and preserving cultural or religious traditions. They do not see anything wrong in their actions. Forced marriage is not a religious issue; every major faith condemns it and freely given consent is a prerequisite of Christian, Hindu, Muslim and Sikh marriages...Forced marriage should be recognised as an abuse which typically involves criminal offences.

“Although there is no specific criminal offence of ‘forcing someone to marry’ the law does provide protection from the crimes that can be committed when forcing someone into a marriage. Perpetrators – usually parents or family members – have been prosecuted for offences including threatening behaviour, harassment, assault, abduction and murder. Sexual intercourse without consent is rape.

“Young people forced into marriage often become estranged from their families. Sometimes they themselves become trapped in the cycle of abuse with serious long-term consequences. Many women forced into a marriage suffer for many years from domestic abuse. They feel unable to leave because of the lack of family support, economic pressures and other social circumstances. They may live within a forced marriage for many years before they feel able to challenge the situation.

“Isolation is one of the biggest problems facing victims of forced marriage. They may feel they have no one to speak to about their situation. These feelings of isolation are very similar to those experienced by victims of domestic abuse.

“Isolation is also very real for those who have escaped a forced marriage or the threat of one. For many, running away is their first experience of living away from home and they suffer because of having to leave their family, friends and their usual environment. They often live in fear of their own families who may go to considerable lengths to locate them and ensure their return.

“For young people to leave their family it is traumatic at the best of times, and for young Asians it can be especially hard. Family occupies a very important role, and the young person may have no experience of life outside the family. In addition, leaving their family (or accusing them of a crime) will often bring shame on the young person and their family in the eyes of the community. For many, this is simply not a price they are prepared to pay.

“The needs of victims of forced marriage will vary widely. They may need help avoiding a threatened forced marriage. They may need help dealing with the consequences of a forced marriage that has already taken place...”

The injustice of forced marriages is another issue that requires our urgent attention if Indian women are to live their lives in dignity.

I. Dowry abuse/dowry killings:

Although India outlawed the dowry system since 1961 (Dowry Prohibition Act) and there are currently several pieces of anti-dowry legislation e.g. Sections 304B and 498a of the Indian Penal Code, this system continues in many areas.

As the writer V. Jayaram says: “Brides can be subjected to innumerable hardships if their family does not pay the level of dowry that the groom’s family expect. Cases of bride burning are not unknown. Indian penal codes prescribe severe punishment for such acts. But the cases take years and decades before the courts deliver justice.”

It is important to note that there are a small number of persons who abuse the law. “On 20 July 2005, Justices Arijit Pasayat and H.K. Seema of the Indian Supreme Court declared Section 498A to be constitutional. ‘The object is to strike at the root of dowry menace. But by misuse of the provision a new legal terrorism can be unleashed. The provision is intended to be used as a shield and not an assassin's weapon. If [the] cry of ‘wolf’ is made too often as a prank, assistance and protection may not be available when the actual wolf appears,’ the Bench said. Several reports of the abuse of Section 498A have involved couples based outside India especially in the US & Canada.

“The Dowry deaths law defines a 'dowry death' as the death of a woman caused by any burns or bodily injury or which does not occur under normal circumstances within seven years of her marriage. For a woman's death to be a dowry death, it must also be shown that soon before her death she was subjected to cruelty or harassment by her husband or any relative of her husband for, or in connection with, any demand for dowry. If this is proved, the woman's husband or relative is required to be deemed to have caused her death. Whoever commits dowry death is required to be punished with imprisonment for a term which shall not be less than seven years but which may extend to imprisonment for life” (en.wikipedia.org/wiki/Dowry_law_in_India).

Conclusion: This Conference gives us an opportunity to raise our awareness of these and other issues and to consider solutions to them. The next session will focus on “solutions”. Let us ask ourselves: “What must we do to ensure that Indian women have a genuine place at the table of life?” “What strategies can we develop to promote their social, economic, intellectual, political, cultural and emotional development in their families, communities, countries/the world?”

In marriage, men and women are supposed to complement each other – not to dominate, humiliate and abuse each other. Marriage is a vocation to holiness. Society has a responsibility to foster in marriage - love, fidelity, mutual respect, trust and compassion. Let us play our part in addressing the ills that beset marriage and family life.

People are our greatest asset. There can be no development without the development of Indian women in marriage and in society in general. The role of Indian people in the new economic world order will be enhanced if we work towards equity and equality for Indian women. Let us work together to create conditions that will enable Indian women to realise their potential. Thank you.