



A VICE OF 21ST CENTURY: BRIDE BUYING

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*“Aaj bazaar main pa ba jolan chalo
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Chashm-e-nam, jaan-e-shoreeda kafi nahi
Tohmat-e-ishq-posheeda kafi nahin
aaj bazaar main pa-bajolan chalo”*

-Faiz Ahmed Faiz.

Introduction

She was like a little bird, ready to spread her wings and flutter them to fly high, but oh! Alas, he tied her wings; he imprisoned her in a small cage and imprisoned within the four corners of his house.

Such is the story of many girls in the states of U.P., Bihar and Haryana, these are the women trafficked from different parts of the country and sold off as brides to those who could not find one. One major reason for such a practice is the fall in sex-ratio of females per males in the recent years, especially in the state of Haryana.

The aim of the paper thus, is to bring into focus this dark side of Indian society, which proclaims to be the protector of women. For this purpose the paper shall mainly rely on certain case studies published in the print media, drawing an analogy between them in order to trace the similarities. The latter half of the paper shall try to seek various present legislations, looking for a possible solution to check this derogatory practice.

The Issue

We may call it another vice of the patriarchal society but over a period of time, the patriarchy has been installed deep in our mental devices that our society now considers girl child as a burden. With the advent of new technology, it is now easier to get rid of this burden - abort the female fetus. Such a practice, hence, results in an inadequate sex ratio of females over males. Census of 2011 show that though there has been a little improvement in the overall sex- ratio in the country¹ but Haryana has the worst statistics i.e. as low as 879 females per 1000 males. More alarming is the child sex ratio (age 0-6) throughout the country which has shown a dip by few percent in the last census.

An unseen component is taking its troll here too- An Annual Health Survey Report brought out in March this year said that although female feticide is present, the child sex ratio has been affected more due to infanticide and neglect of the girl child in the 0-4 years phase. Therefore, a large number of girls are dying at an infant stage where parents choose to neglect the nutrition needs either due to ignorance or intentionally. The data in the report shows a substantial fall in the sex ratio in the 0-4 years age group in several districts spread across nine states.

In long-run, the side effect of this practice is such that now it's hard for males in these states to find brides and so arise this sinful practice of buying brides from poor families in the far-away states of Assam, West Bengal, Orissa etc. I wonder, what an irony it is of the patriarchal set-up we live in. For his own convenience a male first kills a girl child and later just in order to satisfy his sexual needs and the longing for son, again ends up the life of a woman treating her a mere sex slave, reducing her to a living dead.

The Stories

A news piece described an outrageous incident where a woman from Odisha was allegedly sold at a public auction in Hamirpur district in Uttar Pradesh. The auction took place at the *baaratghar* (community centre) in Jharakhar village for over a day, and the woman was ultimately bought by the highest bidder, a resident of the same village who paid Rs 25,000/- and took possession of her.²

¹ 943 females per 1000 males.

² Riddhima Sharma, “Sex, lies and a receipt: Bride Trafficking lifts its head from under the veil”, *thealternative.in*, Aug 20, 2014. (<http://www.thealternative.in/society/sex-lies-and-a-receipt-bride-trafficking-lifts-it-head-from-under-the-veil/>).



Another story is that of Jiada, hailing up from the village of mud houses at a safe distance from the Brahmaputra River. Jaida's father earned a living by weaving baskets and mats out of straw. She is now missing from past few years and the family has no clue about the very existence of her. Another similar case is that of her neighbor Halida, who was kidnapped and raped by a man on motorbike. Though the man had further plans to sell the girl off in Delhi, Halida managed the escape but the society made it really hard for her to survive as the rape brought down her family's pride.³

I wonder how vulnerable these girls are, the major factors responsible are poverty and the fake societal pride. Such stories don't end here, there are others like Tasleema and her sister Akhleema are originally from Kolkata. Their family was so poor; they decided to sell them to a trafficker. The sisters are married to two brothers in a dusty village in Haryana. During their childhood in Kolkata, they recalled, on a few lucky days, there was money to go to the cinema. After being sold as brides, their lives are spent cooking, cleaning and working in the fields.⁴ They tell the sad tales of beatings and abuse when inquired by the media person.

Evidently, families in the northern states of India especially Haryana which has the worst sex ratio in the country mainly because of the better status so as to afford the sinful pre-natal recognition and abortion, have come up with a quick fix to deal with the lack of women to marry their sons. They "import" them from other states where there are comparatively more women but poverty is abundant, and thus the impoverished families of those women are ready to sell their daughters for a price.

According to Dr. Anita Yadav, Director, Women Studies Centre (WSC), Maharishi Dayanand University, Rohtak, "there are at least 6-7 brides from outside the state in almost each of the 6,000 villages of Haryana".⁵

Hyped Chastity

The hunt for a maiden or chaste is another aspect that carries grave importance in our Society. May be, it is one of the reasons why child brides are highly in demand in the bride markets. The sad aspect of the whole story is that this hypocritical male world permits a man to lose his virginity before marriage and tags him as a cool dude but doesn't readily accept a woman who loses her virginity (even accidentally) and calls her characterless.

Such are the dual standards of this patriarchal set-up and this ill-mentality of the society is now giving rise to the cases like one of Sakina. Sakina's story is no different from those told above except for the fact that this young girl was rescued and saved after great effort was made by her brother and the police.⁶

Sakina was 16 at that time, a minor from a village in Assam, when due to financial atrocities she had to look for the job. In the hunt for better job opportunities she contacted a placement agent who promised her to give a home maid's job in Delhi. But the series of events were such that she was trapped in the net of traffickers who sold her off in a muslim family as a bride in Pingod, Haryana.

This was nothing to what she faced there as they treated her nothing more than a sex slave and a servant who used to do all the daily household chores in the day and was forced to sleep with the 'men' of that house.

After great difficulties, when her brother got her address and asked police to take action, initially police raised hands and said it is the domestic matter as she is now legally wedded to a man in that family but later with the intervention of Human Rights activist the girl was rescued.

This is not one single incident; there are hundreds of cases, few reported but mostly unreported and unrecognized. A 2013 UNDOC report quotes a study covering 10,000 households over 92 villages, which revealed that 9,000 women had been brought in from other states Haryana, most of them from the poorer parts of Assam, West Bengal, Jharkhand, Bihar and

³ Carl Gierstorfer, "While India's girls are aborted, brides are wanted", *The CNN Freedom Project*, Sep03, 2014. (www.cnn.com/2014/09/03/world/asia/india-freedom-project/)

⁴ *Supra*.

⁵ *Ibid* note 3.

⁶ Neha Dixit, "One rescue and multiple existential crisis of policemen in Palwal", *Grist Media*, Sept 23, 2013. (source: <https://in.news.yahoo.com/one-rescue-and-the-multiple-existential-crises-of-policemen-in-palwal-071539504.html>)



Odisha. Most of them are trafficked through the middlemen who promise jobs, like the one who had tricked Sakina and her family.⁷

A New Global Trend-Bride Mail Order

Initially when I started reading about the problem of bride buying for the project, I thought it to be a problem restricted in India maybe because of the conservative set-up and the Hindu rites which marks it essential for a man to get married and beget a son in order to get Moksha but I was shocked to encounter something similar to this idea, quite so prevalent in south-Asia and west as well.

With the advent of globalization and technology the selling and buying of commodities across borders has actually been a very convenient process but what happens when such a commodity is none other than a woman! A woman who wants to be your bride on the payment of certain amount; a price fixed by certain agencies that organize such a service for so called lonely men across the globe.

One another major factor why these kinds of markets cannot be checked is particularly because the consent of the women is usually taken in the contract. But the curious question is – is it a free consent? .

In a documentary called ‘ Bride trafficking unveiled’ an attempt has been made to understand what makes these ladies who appear on such websites give their consent to be the brides of *firangs*.

One major reason of consent is the fairy tale image of west that is being built in the minds of these south-Asian girls through movies and other media, but the harsh reality is something very different. The other factor is that they see the chance of escaping their poor surroundings by consenting to be the bride of a foreign stranger.

The Lawlessness

Whether it’s the national or the international case of bride buying, the law is of no help to the victim who in the name of marriage is actually trafficked as a sex slave. This part of the paper shall try to bring forth the various laws (national and international) that can come in picture:

Domestic Laws

1. **Indian Penal Code: Sec. 366 of IPC** is a section that can be of certain help in such cases where the girl is trafficked or induced or forced to marry without her consent as the section reads, “366. Kidnapping, abducting or inducing woman to compel her marriage, etc.--Whoever kidnaps or abducts any woman with intent that she may be compelled, or knowing it to be likely that she will be compelled, to marry any person against her will, or in order that she may be forced or seduced to illicit intercourse, or knowing it to be likely that she will be forced or seduced to illicit intercourse, shall be punished with imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine.”
2. But in spite of such penal provision the offenders tend to escape the clutches of law as here it is important to understand that once a girl attempts to move out of the marriage, howsoever abusive the relationship may be, the society which is patriarchal *per se* plays its blame game and makes it even harder to prove such facts in the court of law. It must be taken into account that once a woman is in detention and under the constant threats, it is really hard for her to state anything freely before the court and demand justice. Thus, this grey area needs to be acknowledged; a mere provision dealing with punishment can never help a women rather there is the need for provisions that lay down a sensitive procedure taking into account the psychology of the victim, laying down the laws that deals with the rehabilitation of such women.
3. **The Immoral Trafficking Prevention Act** – As the name suggests, the trafficking in itself is not so immoral and so the legislation thought of pre-fixing ‘Immoral’ before it, thus reducing its area and jurisdiction so as to deal in particular with prostitution etc. Here in the case of Bride Trafficking, the entire subject matter is different in legal terms as the status of the women is that of ‘the better half of man’ and hence a legally wedded wife!
4. The veil placed on a bride’s face is, thus, able to hide her tears, her bruises and her reality- making such law futile.

⁷ www.iol.co.za/news/world/a-look-at-bride-trafficking-in-india-1.388113



5. The various other legislations like the **Bonded Labour Act, Juvenile Justice Act, POSCO Act, Domestic Violence Act, etc.** may come in domain but only indirectly. No major legislation exists so as to directly check this trade of flesh in the name of marriage.

International Laws

Human Rights approach & Convention on Human Trafficking: As per the Convention, the nature of the trafficking involves the “*recruitment, transportation, transfer, harbouring or receipt of persons*”.⁸ But these terms may itself pose a great difficulty while interpreting in order to serve the purpose of the convention as the definition of these activities might cover both the legal as well as illegal domain that links with trafficking. As in the present case of Mail Order Bride, it is a legal practice *prima faice* but hidden is the ugly truth beneath it; where legal machinery is paralyzed when it comes to rescuing the victims of such practices. Thus, it is high time to recognize such a practice as illegal and derogatory to the human rights. The only possible solution I see is to enlarge the scope of trafficking laws all over the world.

Conclusion

Marriage is the union of two ‘humans’, Marriage is an institution based on love and affection but the society we live in considers it as an essential practice in order to have your own *vansh* (successor) and the saddest part is that in this world of male dominance *vansh* can never be extended by a girl child and so they need a boy to set their own hierarchy but who gives birth to this child- a woman/ a mother and so this vicious circle!

I find nothing better than these lines from Gitanjali to conclude this helpless situation.

“Light, oh where is the Light? Kindle it with the burning fire of desire!
There is the lamp but never a flicker of a flame, - is such thy my fate, my heart?
Ah, death were better by far for thee!”

-Rabindra Nath Tagore.

⁸ As defined under Trafficking Protocol, UNTC