

CASE STUDIES OF PARENTAL CHILD ABDUCTION TO INDIA

(SUMMARY)

(some names have been changed to protect individual's identity)

Case No. 1. – SHANMUGHAN

SHANMUGHAN of Texas is a U.S citizen, an entrepreneur who owns a software company in Richardson (Texas), and a victim of International Parental Child Abduction. His U.S citizen daughters (Malia and Purul) were abducted on July 21, 2005 by his wife Shanti (a US Resident for about 8 years) and taken to Bangalore (India) without his consent. This was in direct violation of a Collin County Court's order that restrained his wife from removing the children from Texas. On Oct 2nd, 2006, the same Court awarded the father (SHANMUGHAN) sole custody of his US citizen children.

It's been more than 2 years and SHANMUGHAN's wife has not let him see or even talk to his daughters (who he had cared for from the day they were born). There is not a day that he has not cried for his children. His father-in-law (whose visa SHANMUGHAN had sponsored) acted as an accomplice in abducting SHANMUGHAN's children from Texas. After running to India, his wife filed a divorce petition and then sold his property in Bangalore without his consent. She also obtained an exparte order from the local Court in Bangalore giving her guardianship of the kidnapped children despite the fact that she was Permanent US Resident and habitual resident of Collin County, Texas.

SHANMUGHAN is very concerned about the well being of his daughters because his wife has hypothyroidism, which leads often to a depressive state. She takes lots of medicines and is dependent on them. His younger daughter, Purul has a medical condition, which needs constant medical attention. As a father he wants to get her the best medical attention possible in the USA. SHANMUGHAN would like his children to grow up in safe and nurturing environment. He holds primary responsibility for his children's health and can provide the foundation of love and support that they need. His wife and her family for satisfying their ego and ulterior motives are robbing his children's innocence. Today's fast-changing world needs the anchor of values and virtues that families can provide. The only place where his children can be provided with such stability would be by living with SHANMUGHAN considering his wife's complete disrespect for the sanctity of marriage.

Case No. 3. – Rana

Rana is a US citizen who works for a reputed financial company. On November 26th, 2006, his 6-year-old US citizen daughter Nalanda was abducted from the US and taken to India by his ex-wife Nandini. Rana had married Nandini in 1996. In August of 2000, they were blessed with a daughter whom they named Nalanda. As Nandini was a professional dancer with a budding career and a nascent dance school, Rana used to take care of daughter Nalanda while his wife pursued her profession. To accommodate her schedule he left for work every morning at 4 am so that he could be back on time, by 5:00 pm (when his wife's students would arrive). Every evening, Nandini spent most of her time teaching, rehearsing or performing sometimes late into night.

Nandini filed for divorce as she was having an extramarital affair, and the parties were divorced in January of 2005. Rana stayed actively involved in his daughter's life, academic and co-curricular activities, visits to the doctors and dentist, etc.

In June of 2006, Nandini married her best friend's husband (with whom she had been having an extra-marital affair during her marriage to Rana) after his divorce came through. After the marriage, Rana's ex-wife deliberately starting cutting down on the time, that Rana was allowed with his daughter (who was very upset with this new arrangement and her mother's new husband). Under these circumstances; Rana pushed for structured visitation and amended custody. On receiving this notification, his ex-wife took his daughter and fled to India in retaliation.

As a consequence of her mother's erratic and selfish move to India, Rana's daughter's life was once again torn apart. She was a Gifted and Talented student in her school and was enrolled in gymnastics (Middlesex Gymnastics Academy) where she was identified as a potential candidate for 2012 Olympics. Nalanda also suffers from asthma and was under medical observation when she was taken away to India. In India, she was not enrolled in a school and was home for 6 weeks before she started going to school again.

Meanwhile, Rana pursued a legal course of action and the Court ordered his ex-wife to send his daughter back for visitation in February of 2007. Rana's ex-wife disobeyed the order and ignored all other orders that followed and has not allowed the little girl to speak to her father. On Dec 19th Rana was granted sole custody and Nandini was given 30 days to return Nalanda to the US. Rana misses his daughter very much and wants her back in his life so that he can give her an emotionally and financially stable life that she deserves. He wants to protect her from the turmoil that her mother's selfish decisions has put her into over and over again.

Case No. 4 - Turina

Turina of New Jersey too is a victim as her two children are suffering, emotionally and financially, since her case is interlinked with that of Rana (case no. 3).

Turina's husband was seduced by Rana's wife (extra-marital affair). He left his kids and neglected his emotional and financial responsibility towards them. What her children needed was their father to fulfill his obligations towards them by paying his child support and being in the vicinity where he could be involved in their lives. At this point he is in India, with Rana's ex-wife who abducted Rana's daughter. Turina and Shubh had been married for 10 years and had two children, Ishk and Rani. Sometime in 2003 Shubh chose to have an extra-marital affair with his wife's friend (Nandini).

Nandini and her husband (Rana), and their daughter (Nalanda), were like family to Turina. One moment Nandini had proclaimed emotionally that Turina was like her elder sister and two months later in early 2004, Rana's wife and Turina's husband broke up two families. Turina and her husband separated in May 2004 and were divorced in January 2005.

In 2007, Turina heard that her ex-husband Shubh was in some legal and financial trouble and might have to flee USA. On probing and researching, Turina came to know that her ex-husband and his current wife (Nandini) were involved in a child-kidnapping case and had violated several court orders. She heard that Shubh had also threatened Rana against coming to Kolkata to retrieve his daughter.

Turina tried to tell Shubh that the children should not suffer for somebody else's mistake, but he did not listen. Turina contacted his sister in Florida and asked her to make him see sense, but she thought it not to be an issue at all and tried hard to cover-up her brother's actions. Her ex-husband Shubh finally finally fled to India (Kolkata) on Oct 17th. He told Turina that he would take the children out for dinner, which she let him. He then left his children at the airport and fled. Shubh called some friend of his to pick up the children from airport and drop them to their mother. The children came home and told her that their father had left for India for good. It's been 3 months since Shubh has paid child support, Turina currently does 3 jobs to support her children.

Case No. 5. - Deshmukh

Deshmukh of Bamberg, Germany says that his son has been held captive by his wife and her parents. He has been paying Rs 18000 per month as child maintenance for last 15 years, but his wife has continuously denied him access to his child because she is afraid that once the son meets his father on a regular basis, he will leave his mother (and she will lose her source of income).

Both German and Indian courts have given him rights to visit the child; the lower Indian court and even the German court gave him custody of the child, however, his wife blatantly refuses to follow the court orders.

Deshmukh's wife has denied the child contact with the father by email, telephone, and even regular paper mail.

When the Indian courts threatened her with imprisonment, she brought the child to her lawyer's residence but had intimidated the child so much that he was afraid to talk. Deshmukh's name is not even written in his child's school records. Is this not violation of the child's rights?

In an attempt to deter Deshmukh from following the custody case his wife has filed a completely baseless 406 case against him.

She had tried to use false accusations in Germany too but the German courts told her that God has given the child two parents and he should have access to both of them. However, in India, his wife has cut the child's contact with all his father's family, although they are in India. In fact, Deshmukh's sister lives in the same Indian town as his wife.

For last 15 years, Deshmukh has been pursuing this case but is not getting anywhere in India. He has lost his property and his mother had to sell her house to fight this case.

Case No. 6 - Vilas

Vilas is a surgeon by profession and now student of international human rights.

His daughter Amruta was born on 9th August 2000. In September 2006 Vilas and her baby brother (Amole) were abducted from Mumbai Airport (in transit from NZ to UK) by his ex-wife and her helpers, and taken to a small taulka (Satara) in interior Maharashtra.

Ever since his daughter was taken away from the airport (18/09/2006) he has not been able to meet or speak to her (more than a year). Vilas should have the opportunity to share her life with both her natural parents and I am confident that my daughter would easily adjust to a shared nurturing like many other children from separated families do.

Vilas's plea to produce children before the Hon. Mumbai court has still not being honored by Indian legal system. In addition, his ex-wife has filed all sorts of criminal cases against him in UK, NZ and Indian courts to stop the children from seeing him This has also put an end to his professional career.

He has approached child line India, childline UK, RPCC and made several letters/verbal presentations to Local police plus District Suptd.Police/Suptd. Of Police/CHIEF Secretary, NZ Consulate in India, Reunite in UK, Children and Youth family services NZ but all to no avail.

In fact local Maharashtra police refused to register complaints against his ex-wife and her family and threatened to get him killed in a fake encounter. His ex-wife has been assured NZ Residency by SHAKTI-Ethnic Minority Women's Group in NZ and all these happened behind his back when he was working and she was supposed to be mothering.

Case No. 7 - Niren

Niren is a highly qualified professional working in the financial services industry in US. Has been married to his high school sweetheart Wife for the last 16 years (last 14 years in US) and has two beautiful minor children. Family went for 4 week holiday to India where Wife behaves completely normally with Niren and the family also takes a 4 day trip to Agra to see Tajmahal. She takes the children to her parent's place 2 days before return trip on pretext of celebrating Rakshabandhan and stops communicating with the father and locks herself and kids up in her parent's house. She withdraws close to 20,000 USD from joint account online. Niren extends stay in India and attempts to make contact with Wife and kids which were futile; he returns to the US. She files divorce, custody, maintenance (wants 6 Lakhs per month) petitions in India. Niren approaches US courts who offer several opportunities to Wife to come back and return the children but she refuses. US courts grant sole legal and physical custody to father, issue a writ for Habeas Corpus to produce children, injunction order against Wife pursuing child custody outside US, contempt of court summons, and ultimately a state arrest warrant against wife.

Wife continues to ignore US courts completely. Niren moves Delhi HC and ultimately Supreme Court who refers case to mediation. US Embassy in Delhi assists to try and convince the mother to keep the best interests of the child in mind and return to US but no outcome. 3 days before first mediation hearing, she files false 498A case in bid to thwart mediation and get old (75+) in-laws jailed. 498A filed on trumped up 16 year old allegations of cruelty due to dowry demands and jewelry misappropriation. Niren provides multiple proposals in mediation (all of which are extremely fair and advantageous to wife but ask her to come back to US with children), all of which are ignored. Children are exhibiting extreme signs of PAS, have been severely brainwashed and mentally abused, have been taught to say statements that denigrate father and US by rote. Wife and her parents actively try to prevent phone contact of father with children, do not allow any Skype sessions, and refuse to let paternal grandparents meet children in restaurant/mall even though everyone lives in Delhi. As Niren later realizes, these actions were pre-planned by Wife, with active guidance from her sister, and her parents, Wife's credit card statements show that she and her family were celebrating their impending actions by spending on expensive suits and sarees in Delhi 2 weeks prior to kidnapping children



Niren with his children

Case No.8 - Ram

Ram is a well-known doctor earning on an average of \$300,000 per year (from prior to the marriage), married in the USA to a US citizen divorcee (she was previously married to a low middle class American Christian who she divorced after obtaining her US citizenship).

Ram's wife was abusive towards him, his family/friends, and was only interested in a good life style. She had a personality disorder (confirmed by Court appointed psychologist) and numerous failed relationships (because of her unfaithful and abusive nature).

After marriage counseling failed, Ram filed for divorce on grounds of cruelty (a detective's video shows his then wife checking into a hotel with her boyfriend).

After 3 years of litigation (that cost in excess of \$500,000, and Ram's ex-wife took an additional \$500,000), Ram finally obtained a divorce, and his ex-wife's lies were exposed before US Courts, psychologists and custody evaluators.

Ram's ex-wife abducted his US citizen children to India (her family has political/bureaucratic/legal connections) and threatened Ram that her family owned their local police and could get away with any crime in India and influence even Supreme Court judges.

Months after the US divorce (wherein no dowry was alleged), ex-wife filed a false dowry complaint (claiming that her family had given \$12,000 over the life of the marriage) and wants the Indian Court to overturn the US Court's custody orders, and give her Ram's family's assets (worth crores) and \$10,000/month as support.

With the blessings of some government officials, the kidnapped children's surnames were altered, cases dragged out in Indian Courts, and for 6 years they have been denied all access (phone, email and letters) to their own father (the natural guardian) who was awarded sole custody by the US Courts.

Case No. 9 – Ramesh Krishnan

Ramesh Krishnan – Married for 5 years received E-mail from father-in-law indicating that he was ill and wants to see the child. Ramesh buys return tickets for his wife and son. Wife within 2 weeks of her stay in India files for child custody in India. Ramesh moves the court in the US (where the child “Ordinarily resided” for child custody. Summons were sent to his wife. Wife sends her objection letter to the US Court; the court considers the letter and passes an order in favor of Ramesh indicating that it had the Jurisdiction to decide as the child had and would have continued to reside in the US but for the child abduction. Ramesh had to argue in front of 4 different judges due to Judicial transfers.

Ramesh contests the case in India and gets a court order in favor of him that required his wife to ensure that the child has constant contact with the father. In all proceedings prior to this order (for almost 5 months) there was no mention of any dowry or threatening calls. But within a matter of few hours, allegations of dowry harassment and threatening calls surfaced and a civil case was converted easily to a criminal case. 80 years old father arrested along with his sister. Her two children did not know where their mother was for 2 days.

It is a settled position in law that “All issues are local” and how do the courts entertain allegations that is supposed to have happened abroad? Indian Family Court assumes Jurisdiction saying that at the time of filing application the petitioner was in India and so India has the Jurisdiction. Ramesh is pondering going to India but wonders based on this untenable order if his wife jumps to Arunachal Pradesh from where she is currently he will have to go to that place to fight it, if his wife goes to Jammu he will have to go there to fight the case – in layman’s terms “the child is mother’s football”.

Ramesh has not been able to talk to his son for over a year now. Contempt of court was also filed in India; but the Indian court’s response has been lukewarm. So far 4 dates have been given, the other side either skips the proceedings or asks for adjournment. And family court is silent.



Ramesh's precious moments with his son Raghu