NRI Marriages

“Abandoned” Grooms, “Abducted” Children and “Abused” In-Laws

- 498a.org

December 15th, 2007
Factors determining **Successful marriage**

<table>
<thead>
<tr>
<th>Emotional Maturity of spouses</th>
<th>Sense of responsibility and tolerance</th>
</tr>
</thead>
<tbody>
<tr>
<td>Understand meaning and commitment of marriage</td>
<td>Mutual trust and respect</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Educational background</th>
<th>Integrity and value system</th>
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</thead>
<tbody>
<tr>
<td>Level of expectations from</td>
<td>Adjustment based on</td>
</tr>
<tr>
<td>- Lifestyle</td>
<td>- Cultural background</td>
</tr>
<tr>
<td>- Money</td>
<td>- Customs</td>
</tr>
<tr>
<td>- Career</td>
<td>- traditions</td>
</tr>
<tr>
<td>- Social Standing</td>
<td></td>
</tr>
</tbody>
</table>
**NRI marriage – Unique Challenges, Issues and Ramification**

- **Expectations**
  - NRI
    - hold on to Indian values
    - Keep connected to roots
  - Resident Indian
    - Easy route to immigration

- **Cultural differences**
  - Difficult to adapt to foreign culture
  - Abrupt change
  - Unfamiliar environment

- **Employment restrictions**
  - Spouse of visa holder not allowed to work
  - Frustration due to loss of job opportunity
  - Feeling of living a life with constraints

- **Complete dependency on spouse**
  - Independent --> dependent
  - Dependent for basic and higher needs
  - Loss of self-esteem in dependent spouse
NRI marriage – **Unique** Challenges, Issues and Ramification

- **Visa issues and delays**
  - Paperwork delays for getting spouse visa
  - Foul play suspected by resident Indian

- **Lack of social support system**
  - Lack of emotional support in foreign land
  - Limited social support from friends
  - Absence of mediation of elders and siblings

- **Unfulfilled expectations**
  - Misconceptions about NRIs (bollywood)
    - Enormous money, relatively easy
    - Life is fun and without hardships

- **Homesickness**
  - Separation from friends and family
  - Psychological stress in new environment
  - Having to deal with issues alone
Troubled NRI marriages – Major fallouts

- **Divorce**
  - Western countries are lenient in granting divorce
  - Futile for two unwilling partners to force
  - Complications with foreign divorces

- **Child Custody**
  - Children suffer most in broken marriage
  - Child abduction by spouse to India
  - Legal complications
    - Different countries
    - Different private international laws

- **Jurisdiction**
  - Women jump to favorable jurisdiction
  - Inability of husband to take vacation to fight long legal battles
  - Women get support from laws, NGOs and government, husband does not

- **False cases under foreign laws**
  - VAWA in United States
  - Immigration benefits by false DV case
  - Child custody by false child harassment
Troubled NRI marriages – Major fallouts

- False cases under Indian laws
  - False 498a (dowry harassment)
  - False domestic violence accusations
  - False dowry death accusation (Russian case)

- Malafide Intentions & Ulterior Motives
  - NRIs are gullible and easy prey (money)
  - Extortion victims in broken marriage
  - False allegations hurts
    - Social stature, pride and dignity
    - Mental and financial harassment

- Effect on India’s Global Image
  - US official travel website warning
  - Canadian Website warning

- Ineffective counselors
  - Lack of knowledge of foreign counselors
    - Culture and traditions
    - Importance of marriage for Indians
A number of U.S.-citizen men who have come to India to marry Indian nationals have been arrested and charged with crimes related to dowry extraction. Many of the charges stem from the U.S. citizen's inability to provide an immigrant visa for his prospective spouse to travel immediately to the United States. The courts sometimes order the U.S. citizen to pay large sums of money to his spouse in exchange for the dismissal of charges. The courts normally confiscate the American’s passport, and he must remain in India until the case has been settled. There are also cases of U.S. citizen women of Indian descent whose families force them against their will into marriages to Indian nationals.

Foreign visitors planning to engage in religious proselytizing are required by the 1896 Foreigners Act to have a “missionary” visa. A 1985 Central Government order defines “inappropriate” religious activity to include speaking at religious meetings to which the general public is invited. Foreigners with tourist visas who engage in missionary activity are subject to deportation and possible criminal prosecution. The states of Tamil Nadu, Orissa, Arunachal Pradesh, and Madhya Pradesh have additional legislation regulating conversion from one religious faith to another. U.S. citizens intending to engage in missionary activity may wish to seek legal advice regarding this legislation.

Businesspersons who are considering investing in India should carefully consider the risks of conducting business in an overseas environment prior to entering into any contractual relationships. While Indo-U.S. trade is at an all-time high, India is still working to modernize its legal system to cope with the evolving, high-tech business environment. Under Indian law, the police may arrest anyone who is accused of committing a crime, even if the allegation appears frivolous in nature. This practice has been increasingly exploited by dissatisfied business partners or contractors and used to escalate civil or personal disagreements into criminal charges, occasionally resulting in the jailing of U.S. citizens pending resolution of their disputes. At the very least, such circumstances can delay the U.S. citizen’s timely departure from India, and may result in an unintended long-term stay in the country.
All Broken Marriages are not fraudulent marriages

- Marriage do fail ‘everywhere’ due to various reasons
  - Temperament differences, Expectations mismatch, Health issues, Family interference, etc
  - Resident Indian marriage divorce rate is rapidly increasing.

- Inability of spouse to cope with marriage problems cannot be reasons to classify a marriage as fraudulent
Fraudulent Marriages – Major reasons

- Concealment of material facts
  - Marital status
  - Education
  - Age
  - Health conditions/medical history
- Fulfilling academic ambitions of acquiring foreign degree at expense of spouse
- Leading a lavish lifestyle
- Flaunting an NRI status in community
- To gain entry into foreign lands to reunite with their paramours
- Extort money by filing false and frivolous charges/cases
- To seek hefty alimony by resorting to divorce
### Special privileges provide leverage for committing fraud

<table>
<thead>
<tr>
<th>Assumptions</th>
<th>Violation of human rights</th>
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<tbody>
<tr>
<td>- Special privileges to married Indian women</td>
<td>- False implications</td>
</tr>
<tr>
<td>- Women would not resort to fraud</td>
<td>- Illegal detention under gender biased laws</td>
</tr>
<tr>
<td>- Women would not level false accusations</td>
<td>- Corruption makes it more easy</td>
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</table>

<table>
<thead>
<tr>
<th>Fallacy</th>
<th>Loss of Dignity</th>
<th>Loss of Faith</th>
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</thead>
<tbody>
<tr>
<td>- Above assumptions are not valid</td>
<td>- False accusations also results in</td>
<td>- Loss of trust in institution of marriage</td>
</tr>
<tr>
<td></td>
<td>- loss of job</td>
<td>- Psychological problems in next relationship</td>
</tr>
<tr>
<td></td>
<td>- Social harassment</td>
<td></td>
</tr>
<tr>
<td></td>
<td>- Mental and economic abuse</td>
<td></td>
</tr>
<tr>
<td></td>
<td>- Major health implications</td>
<td></td>
</tr>
</tbody>
</table>
Modus Operandi

- Gender biased laws provide necessary leverage to pose NRI spouse as fraudsters
- Gullible NRI spouse succumb to pressure, family held at ransom
- Out of Court settlements are resorted to (Ref. Dr. Ambati’s case, $500,000 were asked)
- Alternative for NRI is
  - to see their family in India suffer proving themselves innocent
  - long drawn criminal cases in India
  - police harassment
- If you were in place of NRI, would you settle, or would you
  - Leave your job, come to India for years in search of justice and prove yourself innocent
  - Cost and outcome?
Impact of Gender Biased laws on NRIs

- **Passport and Visa Issues**
  - Revocation or impounding of Passport by MEA → leads to loss of livelihood
  - Interpol Red Corner Notice (IRCN) issued
  - Problems in renewal of passport (pending criminal 498a case)
  - Visa Renewal problems with Non-bailable warrant or IRCN
  - Problems obtaining permanent residency or foreign citizenship

- **Family Issues**
  - Alienation of NRIs from India and family
  - Unjustified arrest of Indian family members
  - Complicated child custody issues
  - Divorce issues – Foreign decree
  - Innocent relatives entangled in false cases

- **Employment Issues**
  - Harassment at workplace by wife (letters etc sent to employer and peers)
  - Dealing with legal cases effects performance at work
  - Employer would not like to employ a person with Interpol red corner notice
The unsaid tale of NRI grooms’ agony...

**2. The Indian Express**

WEST COAST Newsline

**JANUARY 5, 2007**

**Rakshak**

**Impact of Gender Biased Laws on NRIs**

By: SAMRAO, Silicon Valley, Cali.

*Burden of M has been in the US for over a decade now. With her husband, she lives in a comfortable life with her husband and young children—a typical story of a young professional NRI in the US. However, her plight of being mistreated by the US judicial system makes her raise her hand to seek help. She was arrested last year on a charge of stalking her husband.*

Since her husband is a US citizen, he holds the means to buy her机票 and make arrangements with local authorities. She was released from jail and allowed to leave the US. She was only able to see her in-laws, relatives living in the US who have reportedly been harassed as well.

Cases about 498A have been recorded at the US Consulate in Delhi and also with the FBI for extortion attempts against Indian women in the US. Since the 498A offense is termed non-compensable, even if the accused is arrested, the court can continue to investigate and prosecute—unlike in Indian courts. Abdu, if the accused is arrested, he can remain in police custody at the US Consulate, making it a viable measure for the police and colluding spouses to extract money from the NRI, according to some sources.

**EXTENDED CARE**

Labor certification hopes on a plane to India for a three-week trip, with the prospect of being reunited with his sister. The US-made Visa was not enough for him to bring her family here. The US Consulate has no specific role or comment in the issue, which is to be addressed through Indian legal means.

According to a US State Department report, Government of India statistics reveal that 7,000 women were beaten over dowry payments and nearly 5,000 cases were filed in Delhi alone in 2005. Based on the Dowry Prevention Act of 1961, the number of false dowry claims is much smaller now. But a study on the issue would have helped in making a policy on the issue, which is a much smaller now.
Indian Woman Falls to Her Death

Saint Petersburg, Russia
Travel to Saint Petersburg, Russia Customized Benthic Tour!

An Indian woman fell to her death from a 10th-floor apartment in southern Moscow last week, another relative is pressuring the paper to investigate whether the death is linked to a $10,700 dowry dispute.

Ambika Sharma was found severely injured Tuesday on the ground below her apartment in a diplomatic building on Siveriyezovskii Bulvar, near the Nalibovsky Prospect metro station, a duty officer at the local police precinct said Sunday.

Sharma, 25, was rushed to the hospital and died at 8:20 p.m., about 90 minutes after the fall, according to a police report seen by The Moscow Times.

The family had been observing a traditional Indian fast, and Sharma had complained of dizziness, her husband, Sajan Sharma, a tea importer, told police, according to the report.

He said his wife had served him a meal and then went to the kitchen when a friend came to visit, the report said. Hearing a noise in the kitchen, he said, he went there, found a window open and closed it. Moments later, he heard women’s shrieks outside, so he reopened the window and saw his wife on the ground. He went to her, and she tried to talk to him, but then ran, the report said.

Police concluded that the death was accidental after questioning the husband, the friend, a building guard and several neighbors, a source familiar with the investigation said. Neighbors said the couple had not quarreled that day, said the source, who spoke on condition of anonymity because he was not authorized to release the information.

Investigation done by Russian police finds NRI family innocent in accidental death of wife

Indian Police arrests the whole family at airport at the charges of dowry death

Ranchi girl killed for dowry in Moscow?

KOLKATA: The Moscow-based husband and father-in-law of Ranchi girl Ambika Sharma, who was allegedly killed for dowry in the Russian capital, were arrested from the airport as they arrived with the body.

Tea merchant Sajan Sharma, 32, and his eight-year-old father Mohanlal, were taken into custody as they landed at the Kupai Subhan Chandra Bose International Airport (MSRC) on Wednesday.

The duo was arrested on charges pressed by Ambika’s family. According to them, Ambika, who died after falling from the kitchen window of her tenth floor apartment in Moscow on July 25, was actually murdered for dowry.

The parents were told about her death on the night of July 25 by a man identifying himself as Ambika’s neighbour.

“We have arrested Sajan and his father following a complaint from Ambika’s father Dinakar, who alleged that his daughter was tortured for dowry and killed,” said Prabir Kumar, superintendent of police (North 24-Parganas).

Ambika, the mother of two-year-old twins, got married to Sajan on April 3, 2003. Sajan’s parents live in Kolkata’s Dum Dum area, while Ambika’s family is in Ranchi.

The police have said that they have contacted their counterparts in Moscow through the union home ministry and the ministry of external affairs to get the details of the incident.
NRI marriages – Suggestions and Recommendations

- Gender Neutrality in laws related to marriages (involving NRIs)
- Gender biased laws must be made civil (not criminal) and bailable and compoundable
- Permission to return to place of employment – right to earn livelihood
- No revocation/impounding of passport
- No Lookout Cards (LoC)/No Interpol Red Corner Notice (IRCN) for marriage related cases.
- Time bound trial in marriage related NRI issues
- Strict and stringent penalties for false cases
- No arrest of NRI family in India
- Assistance in legal representation in India [video conferencing/ other electronic means]
- Affidavits under penalty of perjury by spouses should be exchanged
NRI marriages – Suggestions and Recommendations

- Mandatory prenuptial agreement
- Compulsory registration of marriage and list of gifts exchanged
- No Arrests unless absolutely necessary
- Fair and balanced reporting and studies by Indian government
- Respect the jurisdiction – e.g. Spouse cannot file DV case in India for offence in USA
Abandoned Brides

- Women Deserted by NRI spouses
- Legislation being considered to punish erring partners
- Foreign Govts implementing tighter controls for marriage based immigration
  - Britain’s new Policy

UK’s new law to bar Indian wives for foreign Govts implementing tighter controls for marriage based immigration

LONDON: Britain has announced double-"strength" immigration controls, with a bold new focus on rules governing entry-by-marriage, in a move that will mean an estimated 3,000 mainly Indian women will be barred from coming to the UK.

The British Home Office announced on Wednesday that it was raising the minimum age at which foreign nationals can receive marriage visas from 18 to 21. This is expected to plug the perceived gap in Britain’s immigration regime, mainly with respect to Indian girls imported into the country as wives of British Indian men.

Officials say about 15,000 British nationals marry non-Europeans each year, the brute majority being on the Indian sub-continent and that India featuring as the largest single provider of wives.
Abandoned Brides - Statistics

Secretary speak

Nirmal Singh, Secretary, Ministry for Overseas Indian Affairs (MOIA), has said that though the issue of problematic marriages involving non-resident Indians (NRIs) is a social problem, a legal remedy is needed to deal with the issue. Speaking at the workshop on ‘Problems relating to NRI marriages and suggested measures’, the Secretary said that precise numbers are not available but information gathered from various sources reveals that there are more than 30,000 cases in the country in which the brides have been abandoned by the respective grooms on various grounds.

Data from MOIA

Reported in the July 2006 “Pravasi Bhartiya” booklet by the Ministry
India in action to extradite NRI grooms who desert wives

NEW DELHI, Jan 9, 2007
Sona Shama

On Monday, the Minister of State for Women and Child Development Renuka Chowdhury was addressing a session on women at the Pravasi Bhartiya Divas and said, “I am in talks with the US and the UK about the existing treaties between us to ensure that Indian laws apply to people no matter where they reside.” She spoke about the experience of many harassed women who were left in lurch by their NRI husbands in the alien land, after making rosy promises.

“Why should a woman who has got married here get divorced abroad?... If they (NRI men) violate laws, they should be called back home,” she said.

“Don’t teach the women to wait for a hand, empower them,” she said. She said over 30,000 Indian women have been abandoned in “NRI marriages”, and of these 15,000 are from the Dinha region of Punjab alone.

- Data from NCW
- Quoted by Minister in Pravasi Bhartiya Divas, 2007
Abandoned Brides - Statistics

Will the Minister of OVERSEAS INDIAN AFFAIRS be pleased to state:-

(a) whether a number of cases of NRIs getting married in India and deserting their brides have come to the notice of Government;

(b) if so, the number of cases reported during the last two years and till date;

(c) the steps taken by the Government to provide protection and render necessary assistance to these hapless women; and

(d) the success achieved in this direction?

ANSWER

THE MINISTER OF STATE (INDEPENDENT CHARGE) IN MINISTRY OF OVERSEAS INDIAN AFFAIRS (SHRI JAGDISH TYTLER)

(a) Some cases have been brought to the notice of Government.

(b) One case each from West Bengal, Uttar Pradesh, Tamil Nadu and Rajasthan two cases each from Haryana, Maharashtra Andhra Pradesh and Punjab, and six cases from Delhi have been brought to the notice of the Government.

- Lok Sabha Starred Question No. 160 (3rd August 2005)
- 18 cases reported
Abandoned Brides - Statistics

Will the Minister of OVERSEAS INDIAN AFFAIRS be pleased to state: -

(a) whether the number of women abandoned or cheated by their NRI husbands have increased;
(b) if so, the number of complaints received from such women, State-wise;

ANSWER

MINISTER OF THE STATE IN THE MINISTRY OF OVERSEAS INDIAN AFFAIRS (SHRI VAYALAR RAVI)

(a) & (b) : Such data is not maintained. However, the Ministry has received about 100 complaints from women victims of NRI marriages which are given state wise in the statement enclosed as Annexure –A.

Annexure “A”

Lok Sabha un-starred question No. 2104 to be answered on 14.3.2007

<table>
<thead>
<tr>
<th>States</th>
<th>Number of cases</th>
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<tr>
<td>Delhi</td>
<td>25</td>
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<tr>
<td>Punjab</td>
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<tr>
<td>Haryana</td>
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<td>Kerala</td>
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<td>Uttar Pradesh</td>
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<td>Tamil Nadu</td>
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<td>Bihar</td>
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<td>Maharashtra</td>
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<td>West Bengal</td>
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<td>Rajasthan</td>
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<td>Gujarat</td>
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<td>Madhya Pradesh</td>
<td>01</td>
</tr>
<tr>
<td>J&amp;K</td>
<td>02</td>
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</tbody>
</table>

Total: 100

- Lok Sabha UnStarred Question No. 2104 (14th March 2007)
- 100 cases reported
Abandoned Brides - Statistics

- Data from WCD and MOIA
  - 30,000 abandoned brides
  - 15,000 from Doaba region of Punjab

- Lok Sabha Questions on Aug 3, 2005
  - 18 Abandoned Brides
  - Lok Sabha Question on March 14, 2007
  - 100 Abandoned Brides

- The figure of 30,000 abandoned brides is unsubstantiated
  - Attributed to “various sources” by Secretary, MOIA
  - Mere Receipt of a Complaint can not be reason enough to classify someone as an “Abandoned Bride”
  - Huge Gap in number of cases quoted by MOIA vs. number of cases mentioned in responses to questions in the Parliament
Abandonment in Doaba, Punjab

- Doaba Leads in Immigration
- Out of the 3.18 lakhs people traveling abroad from Punjab, 75% are from Doaba

- Socio – Economic Phenomenon
- Agriculture no longer sustainable
- Thousands of Punjabis risk life, limb, property and pride to move abroad
  - Frontline (Jun 02-15, 2007)

- Flourishing Immigration Racket in Punjab
  - Locals call it “kabootarbaazi” (Indian Express, July 24, 2007)
- Obsession for Migration leads to tragedies
  - Malta Boat tragedy, Daler Mehendi Case

- Foreign Govts. tightening immigration
  - UK explicitly mentions Punjabi immigrants
- All legal and illegal Avenues explored
  - Marriage, cultural and religious visits
- Abandonment – not a deterrent for migration
Abandoned Grooms – What about their rights?

The Tribune, Chandigarh, India - Ludhiana Stories

NRI woman held for fraud
Admits to luring youths into marriage, duping them

Mahesh Sharma

Mandi Ahmedgarh, September 4
Non-remunerative agriculture in Punjab and the desire for greener pastures in Canada and America are major factors why the youths in the state are ready to compromise to any extent for a chance to settle abroad. This was stated by the NRI woman who was arrested from a religious place at Alamgir by the local police yesterday. She was wanted in connection with an FIR registered under Sections 420, 494, 406 and 120-B for allegedly duping a youth of Rs 12 lakh by marrying him and then deserting him.

Parwinder Kaur, daughter of Gurdeep Singh Sandhu of Marwah Khurad, Yamunanagar, an NRI settled in Canada, was arrested from Alamgir while trying to flee after duping Beant Singh, another youth of Momnabad village, near here.

Kuldip Singh, son of Nachhatar Singh, a resident of Manakwal village, had accused her of duping him of Rs 12 lakh.

Preliminary investigations reveal Parwinder, like many other NRI women, lured Punjabi youths with the promise of greener pastures in Canada. Harbans Singh, another NRI and close relative of Parwinder, was instrumental in introducing her to marry her.

Click here used to your...
Efforts of NRIs to reach out to the Govt.

- Personal Meeting with MOIA Minister
  - Briefed multiple times
- Personally meeting with Ambassador of India in United States: Ronen Sen
- Several Communications to Secretary and other MOIA officials.
- Consul General of India in foreign Countries
- Memorandums to MOIA and Ambassador
- Comments (spanning a period of 18 months) through Interactive forum on the Website of Ministry of Overseas Indian Affairs
## NRIs Efforts to reach out to the Govt.

<table>
<thead>
<tr>
<th>Date</th>
<th>From</th>
<th>Party Communicated to</th>
<th>Subject</th>
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<tbody>
<tr>
<td>November 13th, 2005</td>
<td>Satya Kumar, Rakshak Member</td>
<td>Secretary, MOIA, <a href="mailto:secretary@moia.nic.in">secretary@moia.nic.in</a>, <a href="mailto:snri@mea.gov.in">snri@mea.gov.in</a>, <a href="mailto:rverma@alpha.nic.in">rverma@alpha.nic.in</a>, <a href="mailto:presidentofindia@rb.nic.in">presidentofindia@rb.nic.in</a>, <a href="mailto:hrwdc@hrw.org">hrwdc@hrw.org</a></td>
<td>Gender biased booklet by MOIA and Misuse of 498a</td>
</tr>
<tr>
<td>January 4th, 2007</td>
<td>Vandana Jhingan, TV Asia Bureau</td>
<td>MOIA Ministry, Vayalar Ravi, <a href="mailto:dg@indianconsulate.com">dg@indianconsulate.com</a>, <a href="mailto:cg@cgisf.org">cg@cgisf.org</a>, <a href="mailto:CCA@cgisf.org">CCA@cgisf.org</a>, <a href="mailto:edu@indiagcy.org">edu@indiagcy.org</a>, <a href="mailto:cgihou@swbell.net">cgihou@swbell.net</a>, <a href="mailto:dsms1@moia.nic.in">dsms1@moia.nic.in</a>, <a href="mailto:dsds@moia.nic.in">dsds@moia.nic.in</a>, <a href="mailto:dirss@moia.nic.in">dirss@moia.nic.in</a>, <a href="mailto:minister@moia.nic.in">minister@moia.nic.in</a>, <a href="mailto:secretary@moia.nic.in">secretary@moia.nic.in</a>, <a href="mailto:dsfs@moia.nic.in">dsfs@moia.nic.in</a>, <a href="mailto:diremig@moia.nic.in">diremig@moia.nic.in</a></td>
<td>False dowry cases by women of Indian origin, defamation of Overseas Indians by MOIA and Interpol Red Corner Notices on falsely accused Overseas Indians</td>
</tr>
<tr>
<td>February 16th, 2006</td>
<td>Rakshak Member</td>
<td><a href="mailto:minister@moia.nic.in">minister@moia.nic.in</a>, <a href="mailto:secretary@moia.nic.in">secretary@moia.nic.in</a>, <a href="mailto:dsds@moia.nic.in">dsds@moia.nic.in</a>, <a href="mailto:dirss@moia.nic.in">dirss@moia.nic.in</a>, <a href="mailto:presidentofindia@rb.nic.in">presidentofindia@rb.nic.in</a></td>
<td>Torture of NRI women: Falsely implicated by 498a (by sister-in-law)</td>
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<tr>
<td>April 18th, 2006</td>
<td>3 Rakshak Members</td>
<td>Consul General B.S.Prakash</td>
<td>Handed over 2 booklets: &quot;Misuse of 498a booklet&quot; and &quot;Guidance booklet for NRI marriages prepared by Rakshak&quot; in response to highly pro-women booklet prepared by MOIA</td>
</tr>
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</table>
## NRIs Efforts to reach out to MOIA

<table>
<thead>
<tr>
<th>Date</th>
<th>From</th>
<th>Mode of communication</th>
<th>Party Communicated to</th>
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<tr>
<td>April 24th, 2006</td>
<td>Consul General BS Prakash</td>
<td>email</td>
<td><a href="mailto:help.rakshak@gmail.com">help.rakshak@gmail.com</a></td>
<td>Invitation to discuss the misuse of 498a and biased booklet</td>
</tr>
<tr>
<td>May 12th, 2006</td>
<td>10 Rakshak Members</td>
<td>Personal meeting with CG’s office SF, USA</td>
<td>Prabhat Kumar, Vice Consul</td>
<td>Families harassed by wives misusing 498a, 498a research booklet created by Rakshak, MOIA booklet</td>
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<tr>
<td>June 15th, 2006</td>
<td>2 Rakshak Members</td>
<td>Personal meeting with Indian Consulate officials</td>
<td>Prabhat Kumar and CG</td>
<td>Gender biased booklet by MOIA and Misuse of 498a</td>
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<td><a href="mailto:help.rakshak@gmail.com">help.rakshak@gmail.com</a></td>
<td>e-mail</td>
<td>Consul General of India, SFO, USA, <a href="mailto:cca@cgisf.org">cca@cgisf.org</a>, <a href="mailto:jsds@moia.nic.in">jsds@moia.nic.in</a>, <a href="mailto:dirss@moia.nic.in">dirss@moia.nic.in</a>, <a href="mailto:minister@moia.nic.in">minister@moia.nic.in</a></td>
<td>our concern about MOIA meeting with NCW on 20-21st June’06 without any getting NRIs involved.</td>
</tr>
<tr>
<td>June 19th, 2006</td>
<td>Sanjay Dhani, Rakshak Member</td>
<td>e-mail</td>
<td><a href="mailto:jsds@moia.nic.in">jsds@moia.nic.in</a>, <a href="mailto:dirss@moia.nic.in">dirss@moia.nic.in</a>, <a href="mailto:minister@moia.nic.in">minister@moia.nic.in</a></td>
<td>concerns of hundreds of NRI/PIO grooms who are extorted through abuse of IPC 498A filed against</td>
</tr>
<tr>
<td>June 21st, 2006</td>
<td><a href="mailto:help.rakshak@gmail.com">help.rakshak@gmail.com</a></td>
<td>e-mail</td>
<td>Consul General of India, SFO, USA, <a href="mailto:cca@cgisf.org">cca@cgisf.org</a>, <a href="mailto:jsds@moia.nic.in">jsds@moia.nic.in</a>, <a href="mailto:dirss@moia.nic.in">dirss@moia.nic.in</a>, <a href="mailto:minister@moia.nic.in">minister@moia.nic.in</a>, <a href="mailto:manmohan@sansad.nic.in">manmohan@sansad.nic.in</a>, <a href="mailto:presidentofindia@rb.nic.in">presidentofindia@rb.nic.in</a></td>
<td>our concern about MOIA meeting with NCW on 20-21st June’06</td>
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## NRIs Efforts to reach out to MOIA

<table>
<thead>
<tr>
<th>Date</th>
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<th>Mode of communication</th>
<th>Party Communicated to</th>
<th>Subject</th>
</tr>
</thead>
<tbody>
<tr>
<td>June 29th, 2006</td>
<td>4 Rakshak Members</td>
<td>Personal Meeting with MOIA minister Vayalar Ravi and his Staff, Los Angeles</td>
<td>Vayalar Ravi, Vice Consul Prabhat Kumar at Hotel Hyatt Century Plaza, Los Angeles</td>
<td>Gave memorandum/letter to Minister. Apprised Minister of alarming rate of misuse of dowry law against NRI and their family members. Talked with highly women biased marriage booklet by MOIA and request for changes.</td>
</tr>
<tr>
<td>July 6th, 2006</td>
<td>ForgottenWomen.org</td>
<td>Personal Meeting with MOIA minister Vayalar Ravi and his Staff, New York</td>
<td>Vayalar Ravi, Vice Consul Prabhat Kumar at Hotel Hyatt Century Plaza, Los Angeles</td>
<td>Gave memorandum/letter to Minister. Apprised Minister of alarming rate of misuse of dowry law against NRI and their family members. Talked with highly women biased marriage booklet by MOIA and request for changes.</td>
</tr>
<tr>
<td>July 9th, 2006</td>
<td>Vandana Jhingan, TV Asia, Rakshak</td>
<td>Personal Meeting with MOIA Minister</td>
<td>Vayalar Ravi</td>
<td>What is MOIA doing to protest innocent NRI husbands from false cases in India by their estraged wives</td>
</tr>
<tr>
<td>May 12th, 2006</td>
<td>10 Rakshak Members</td>
<td>Personal meeting with CG’s office SF, USA</td>
<td>Prabhat Kumar, Vice Consul</td>
<td>Families harassed by wives misusing 498a, MOIA booklet</td>
</tr>
<tr>
<td>December 6th, 2006</td>
<td>Prabhat Kr. Singh (Vice Consul)</td>
<td>e-mail</td>
<td><a href="mailto:help.rakshak@gmail.com">help.rakshak@gmail.com</a></td>
<td>acknowledgement that our issues have been forwarded to ministry</td>
</tr>
</tbody>
</table>
| December 17th, 2006 | Rakshak Members             | Letter sent to MOIA Minister Vayalar Ravi                    | MOIA Minister Vayalar Ravi                             | Complaints for Pravasi Bharatiya Divas: Misuse of Indian Dowry Laws and unfair treatment of NRIs by MOIA }
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<tr>
<td>January 24th, 2007</td>
<td>Rakshak Members</td>
<td>e-mail</td>
<td>Consul General, BS Prakash</td>
<td>Request to consider joint Consul General meetings and meeting with Ambassador to look at NRI families tortured misusing 498a and MOIA not returning requests to consider the matter.</td>
</tr>
<tr>
<td>January 31th, 2007</td>
<td>Rakshak Members</td>
<td>Personal Meeting with Ambassador of India to US and CG BS Prakash</td>
<td>Ambassador Ronen Sen, Consul General BS Prakash</td>
<td>Discussion about Gender biased MOIA marriage guidance booklet, unilateral policies and laws for abandoned brides, misuse of 498a against NRI families.</td>
</tr>
<tr>
<td>February 15th, 2007</td>
<td>Rakshak Members</td>
<td>e-mail</td>
<td>Ambassador Ronen Sen, Consul General BS Prakash, JS Rajya Sabha Secretariat</td>
<td>498a research booklet, Rakshak version of Marriage booklet, Memorandum, cover letter, Media reports of NRI husband harassment.</td>
</tr>
<tr>
<td>March 19th, 2007</td>
<td>Rakshak Members</td>
<td>Personal Meeting with CG BS Prakash</td>
<td></td>
<td>Letter to Consul General about Misuse of 498a against NRIs</td>
</tr>
<tr>
<td>September 2007</td>
<td>Rakshak Members</td>
<td>Personal meeting with CG BS Prakash, Mr Nirmal Singh and Ms Sandhya Shukhla</td>
<td></td>
<td>Child Abduction, false 498a cases, Elder Abuse and discussed assistance from MOIA.</td>
</tr>
</tbody>
</table>
Comments on MOIA’s website

Rahul 10/30/2005

Regarding Information Booklet on Marriages to Overseas Indians - It's a Biased Approach:
You need to add a second part in the same information booklet which should contain guidelines, precautions, suggestions and remedies for NRI man who fall victim of fraud marriages with Indian women and become victim of misuse of false 498A, 406 cases in India. The whole family of victim is kept on ransom, the girl only wanted to get a foreign visa and property of the husband. Many highly qualified professionals from NRI's are facing such problems today.

Neel Grundlo 10/30/2005

Please stop this madness. Women are not always the victims. There are many marriages ruined by women, illegal classification of men and husband in 498A has already ruined many families. Domestic Violence Law is adding to the plight of men. I am afraid of marrying in India again or even if I do I am afraid of marrying a woman who is well educated and knows her rights, to send the husband and his family in jail.

J Nair 11/18/2005

Dear Sir I appreciate your intentions to bring wrong doing husbands to justice but please notice one basic fact. This is a crime when a RJT tries to go for a normal relationship with a girl as usual. It is a very dirty trick and one to stop this as they are killing a big source of income and immigration chance. The law doesn't address this problem. We need to ask for concrete proof of any allegations on NRIs before trying to take action. 7 More Indian women cheat NRIs on their vice versa because the NRI has a lot to lose job visa and wouldn't take risks of blackmailing the relationship. I am not saying that this is a big phenomenon in India as in most cases the groom earns much more than what the girl's family has in India standards. It does not make much sense to a NRI to ask money from a poorer family. Most of us in the US are highly qualified skilled and hard working people, who do not wish to be treated in the same way as a common criminal because of his neglect.

Nageswara Rao Gudlapalli 11/18/2005

Registration of Marriage is compulsory. Counseling is necessarily at Mandal Level in all parts of India for bringing the brooders and grooms together when the marriage is failed.
Comments on MOIA’s website

Kamlesh 3/6/2006

Gender biasing is incorrect and reflects the image of the country. I obtained my Divorce in United States based on the charge of Adultery, strong email evidence - confirming her pregnancy, air-travel and hotel reservation while she was in India for a period of 15 months and later when discussed about this she along with her family filed 498A, attempt of murder and other chargesheet submitted by police within days etc., etc... High Court provided a Stay against all proceedings 2 years back. This is correct as per Indian Judicial System to give women the power and untrained officers to harass your own Citizens who work and earn respect for your Nation. Ministry of Overseas Indian is of No Use and awaits for a day and opportunity to extract dollars when NRI are in trouble.

Raj Singh 8/25/2006

Dear Sir/Madam: I wanted to bring to your attention that these days Government and Media have taken a biased stand towards Girls side. People who live away from India are threatened with Down's law, incase the marriege fails because of temperamental issues/differences. There are many people in India who take the advantage of these biased laws to extort money, and cause damage to boy and his family. For any dispute raised with NRI, I think due attention should be given to both the sides, and we should keep in mind that it is not always the boys who are on the wrong side. Many girls are liars, cheats, offenders as well. Take the example of Zafira Shahid, who fooled complete India and Media. Interesting everyone believed her in first instance. But then the truth came out, and she was sent to jail. As in Western Countries, India should also learn from them that there should be no gender bias, and justice should be given to each party. Whoever is found guilty should be punished, but no one should be blamed for something which he/she has not done. Down’s Act in India, is one of the most foolish acts ever seen. The girl simply walks in Police Station and the boy gets arrested. No reason, No evidence, No witness. This should not be the case, everyone should be given fair chance to prove their innocence. I hope sometime will shed some light on the plight of India living abroad. Your help and Cooperation is much appreciated. Kind Regards Raj

Suni Sukiiran 2/8/2006

It is apparent that misuse of IPC 498A legislation is becoming a common occurrence. Today, many girls and women are getting married to foreign men with the purpose of extorting money from their new husbands. The dowry laws are intended to protect vulnerable women. As the time unfolds, the daughter-in-law of the dowry punishments are being seen as the rationale for marrying a girl. If the dowry act is not amended, the legislation should be amended so that it is balanced, comprehensible and not-cognizable to avoid innocent people arrested and imprisoned. A rigorous investigation...
Conclusions and Recommendations

- Obsession to migrate to foreign shores is one of the root causes for abandonment
- Illegal Travel Agents and Marriage Bureaus have flourished because of the strong desire to migrate abroad
- The contention that every case of abandoned bride is due to harassment/dowry demand is oversimplistic.
- Failure of NRI marriages happen due to a variety of reasons and both men and women are responsible for the same.

- MOIA should have well documented evidence of number of women victims of fraudulent NRI marriages before proposing any laws
  - 100 complaints from a diaspora of 45 million can not be called alarming
- MOIA needs to be gender neutral
  - NRI Marriage Fraud is committed by both men and women.
  - Govt should extend necessary support to abandoned spouse, regardless of gender
  - Any study undertaken or legislation proposed should be gender neutral
International Interparental Child Abduction
Disturbing Trend

- India - a Safe Haven for Child Abduction
- Wife takes children to India. In almost all cases when the husbands contest the case, abuse of laws like 498a, 506 are definite
- A Child Custody case – which is a civil case gets easily morphed into a criminal case
- NRI family – aged parents, senior citizens or young kids does not matter are jailed and harassed without an iota of evidence. In most cases these victims are not even allowed to participate in the investigation process
- Paternal side of the child’s family loses complete contact with their child. Despite court orders the wives do not comply with the same (as no penalty for perjury, domestic violence, adultery, false accusations & fraud by errant wives).
- According to UN Convention on Rights of the Child, the State should ensure that the identity of the child is retained and he/she remains in constant touch with both parents. Indian Courts are either indifferent or are oblivious of the noble Articles enshrined in the UN Convention
- These left-behind parents have lost contact with their beloved children
Case Studies

- **Ramesh Krishnan – Married for 5 years**
  - E-mail received from father-in-law indicating that he was ill and wanted 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
  - Ramesh moves the court in the US (where the child “Ordinarily resided” for child custody. Summons sent to his wife. Wife sends her objection letter to the US Court; the court considers the letter and passes an order in favour 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 contests the case in India and gets a court order in favour of him asking his wife to ensure that the child has constant contact with the father. Several evidences including letter from the US Department of Justice provided to the court. None was considered.
  - 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 kids did not know where their mother was for 2 days.
  - 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 court’s response has been lukewarm
Child Abduction - cases

- **Jerry (Married for 16 years)**
  - Family spent holiday in India
  - Wife takes the kids to her place and stops communicating with the father
  - Jerry comes to know that wife had withdrawn close to 20,000 USD from joint account
  - Jerry’s attempts to make contact were futile; he returns to the US
  - US DOS, FBI and NCMEC assist and try to convince the mother to keep the best interests of the child in mind. No response
  - After 4 months of court proceedings, 498a and other cases filed against Jerry and his family

- **Friend**
  - A well know Doctor
  - Divorced in the US. Ex-Wife abducted the children to India. Ex-wife pockets more than $500,000 as part of divorce settlement. Friend’s career was ruined by his ex-wife and this was specifically noted by the court in the US
  - False case of 498a filed against Friend and his family. ex-wife and her family are using political/bureaucratic connections in New Delhi
  - Daughters have been denied access (phone/email/letter) to their own father (the natural guardian who was awarded sole custody by the US Courts) virtually for the last 6 years
Child Abduction – Case studies

- Amit
  - Has a daughter
  - Divorced in the US in after 8 years of marriage. Ex-wife had extra-marital affair. Incidentally his ex-wife eloped with a friend’s husband who left behind his wife and his two kids in the most inhumane manner
  - Father gets visitation rights and was very involved in her academic and co-curricular activities
  - Child taken without the permission of the father to India. Ex-wife marries in India and comes back to the US
  - Amit gets visitation rights modified. Ex-wife flees to India along with the child
  - Amit has lost contact with his daughter. Amit is working with the various state agencies to help restore contact and return of his daughter

- SM
  - Married for 4 years. One child – 11 months old
  - Wife fools husband into letting the child to be taken to India. Pretect – to see her father. SM was to join her shortly. Day before his departure to India wife says does not want to continue relationship
  - Lost contact with wife. False allegations including 498a filed against him and his family.
  - Wife’s family demanding 25 lakhs (approx $50,000 USD) for settlement
Child Abduction – Case studies

▪ From Germany
  ▪ Father who is a Pediatrician has been paying alimony and child support for over 15 years. Yet has not access to his child
  ▪ Has court orders from Germany and from India giving him the custody of the child. Wife has refused to obey the orders
  ▪ False criminal cases have been filed against him and his family

▪ From UK
  ▪ Father is surgeon by profession and now student of international human rights
  ▪ Children abducted while in transit via Mumbai
  ▪ Approach to child line India, childline UK, RPCC and 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 were either unheard or did little to help us
  ▪ Father has no contact with his kids
Child Abduction - Different Perspectives

- Reeta Sharma reports that more and more separated NRI couples are taking advantage of India’s inability to resolve inter-country disputes over child custody
  - [http://www.tribuneindia.com/2006/20060430/society.htm#2](http://www.tribuneindia.com/2006/20060430/society.htm#2)
  - **INDIA is becoming a safe haven for child abductors**
    - With the increasing number of NRIs and multiple problems arising leading to family conflicts, inter parental child removal to India now needs to be resolved on an international platform. It is no longer a local problem. The phenomenon is global
    - Steps have to be taken by joining hands globally to resolve these conflicts through the medium of Courts interacting with each other. Until India becomes a signatory to the Hague Convention, this may not be possible
  - As Supreme Court in a matter in 1994 rightly said “it does not buy the argument that only mothers can take care of young children”. The notion of family has changed dramatically and many men are better at taking care of children than women
Seminar on this subject titled, ‘Conflict of Jurisdiction in Inter-Parental Child Custody Disputes,’ – May 5th, 2006

Discussing the issue Indira Jaisingh, senior advocate the Supreme Court of India, said: “The problem of divorce and child custody cases is really complicated when the two battling parents are based in different countries. In such situations, visitation by the other parent becomes nothing but a legal formality on paper with no practical possibilities. Then, there is the tendency of one parent turning the child against the other or the parental alienation syndrome.” Jaisingh stressed that, “today it is important that India signs The Hague Convention. Especially due to the problem raised on recognising and respecting foreign judgements on this issue. In India, we have no bilateral agreements by which our agreements can be enforced abroad. This often has serious repercussions for children.”

In many cases such acts of emotional enslavement of the children is inadvertently encouraged by the courts.

Dr Justice A.R. Lakshmanan, Judge, Supreme Court, was especially articulate on the issue saying: “Statistics show that divorce and custody cases are on the rise. The practice of international child abduction has its roots in these inter-parental custody battles.” The Hague Convention on Civil Aspects of International Child Abduction came into force on December 1, 1983, and has 75 contracting nations to it. The convention secures the prompt return of children wrongfully removed or detained in any contracting state and ensures the rights of custody and access under the was of such contracting nations.
Australia Attorney General – Philip Ruddock MP

21 January 2007: Mr Ruddock held talks with Indian government on the issue and urged it to consider adopting the *Hague Convention on the Civil Aspects of International Child Abduction*, by which disputes are determined under the law of the country where the child “normally resides”

The Attorney-General said he looked forward to working with India in taking a lead role in the Asia-Pacific region on the child abduction issue

"One of the problems arising from child custody disputes is that parents seek out countries with laws that would most likely deliver them is that a favourable custody outcome."

"Parents who wrongfully remove their child to another country ultimately leave the child wounded, particularly if by doing so they deprive the child spending time with or communicating with the other parent."
Child Abduction – Perspectives of other countries

- The U.S. Department of Justice reports:
  - 203,900 children were the victims of family abductions

- India: Safe Haven for International Child Abduction
  - The court system in India is extremely slow so that an abductor has ample time to create “facts on the ground” in terms of getting the child sufficiently settled into life in India as to justify an Indian court in ultimately deeming that it is best to keep the child in India
  - Courts outside India should be extremely wary about allowing parents to take children for temporary visits to India over the objections of the other parents since there is a great likelihood that parents who wrongfully retain children in India will get away with their wrongful conduct scot-free in India

- In a journal [http://www.law.northwestern.edu/journals/jihr/v2/7/](http://www.law.northwestern.edu/journals/jihr/v2/7/): Utilization of the United Nations' Convention on the Rights of the Child of 1989 (UNCRC) seems to be the most promising option in cases where the child has been abducted to non-Hague nations. India although is signatory to this convention, the problem is compounded due to the delays in the court and lack of understanding of these treaties in the lower courts.
United Kingdom

http://www.fco.gov.uk: If traveling to India particular caution is needed when, for example, child custody becomes an issue. Please see the child abduction page on the FCO website

Spain:

Child Abduction – the Unlawful Immigration of Children: Margarita Doménech explains how moving from one country to another with young children can, perhaps unexpectedly, be caught by international law dealing with parental child abduction

The list goes on…….The concern expressed by foreign countries about India as a safe haven for Interparental Child Abduction is conspicuous
Child Abductions

Situation:
- First kids are abducted
- If the abducting parent is a father, the child is promptly returned. However if the abducting parent is a mother, the child is not returned.
- If fathers contest the case in India, false cases like 498a and various other allegations are leveled against him and his family
- Family gets arrested – elders and children alike
- By converting a civil case to criminal case, fathers are prevented from entering India as the threat of arrests loom large
- Their passports get confiscated
- Courts do not ensure that the child is in contact with the father. How is this in the best interests of the child?

Pertinent Questions

- Can the best interests of a kidnapped non-Indian citizen/non-resident child born to non-Indian citizen/non-resident Indian parents be best decided on local Indian parameters and as per local conditions by an Indian Court in an Indian jurisdiction?
- Would this be in the best interest of the kidnapped child? More often than not the abducting parents delays the court proceedings for many years
- Would it be appropriate to reward the errant parent/kidnapper with interim custody till the matter is adjudicated in regular custody proceedings over 6-8 years in a Custody Court in India?
- Had the child not been abducted from a foreign country, where would the child “Ordinarily Reside”?
Initiatives undertaken by Rakshak

- Met with the Indian Ministry for Overseas Indian Affairs at the Indian Consulate in San Francisco to highlight the need to sign the Hague Convention on Civil Aspects of Child Abduction

- The Guardian and Wards Act 1890 already protects the rights of the Child by ensuring that the Jurisdiction in which the Child Custody matters need to be heard resides with the court where the Child “Ordinarily Resides”

- Letter sent to National Commission for Protection of Rights of the Child to at least help restore contact in accordance with the Articles of the UN Convention on Rights of The Child.
  - Highlighted the violations as per sections of the Indian Constitution
  - Highlighted the specific articles of UNCRC that were violated
  - Yet to receive response
Child Rights Violation

Violations of the Indian Constitution

- While not going into each and every violation we would like to bring specific focus to Articles 39(e) and (f): the State shall direct its Policy in such a manner that the tender age of children is not abused and children are given opportunities and facilities to develop in a healthy manner and childhood is protected against exploitation and against moral and material abandonment.

India and the UNCRC

- The UNCRC – a clarion of worldwide movement and the pinnacle of international effort to promote the basic needs of children as fundamental human rights
- a remarkable and wonderful gift to the Children.
Specific Violations of UNCRC

UNCRC Violations:

- The Society for the Protection of the Rights of The Child (SPARC) categorized the various articles into Survival, Development, Protection and Participation. The violations that we have seen in the cases on hand fall under every category. Specific Articles violated include, but are not limited to, Articles 3, 5, 7, 8, 9, 12, 13, 14, 18, 20

- Violations of Committee UNCRC Recommendations CRC/C/93/Add.5 16 July 2003: We would like to draw your attention to Sections III, IV, V, VI, VII and VIII in particular.

- Section V, Subsection E titled Illicit Transfer and Non-Return is of vital importance and is germane to Child Abduction issue we are dealing with. Article 11 states:
  - States Parties shall take measures to combat the illicit transfer and non-return of children abroad.
  - To this end, States Parties shall promote the conclusion of bilateral or multilateral agreements or accession to existing agreements.

- Paragraphs 366 and 377 are documented in the context of Article 11 of UNCRC and are provided hereunder for your ready reference:
  - 366. This article is primarily concerned with parental abductions or retention outside the jurisdiction of the State Party. Though the article includes non-parents in its scope, it should be noted that Article 35 covers the sale, trafficking and abduction of children. Article 11 applied to children taken for personal rather than “financial” gain, whereas “sale” and trafficking have a commercial or sexual motive. Those who abduct children for purely personal motives are usually though not invariably, parents and other relatives.
  - 377. Such instances of illicit transfer and non-return of children abroad, usually by one of the parents, have been rarely reported in India. India, at present, is not a signatory to the Hague Convention on the Civil Aspects of International Abduction (1980).
Child Abduction – Cont’d

- If the left behind parent is a father and contests the custody case in India, his family in India is hit with 498a and other trumped up cases
- Who loses out? The child ends up with a fractured childhood
  - A just and expedient way of resolving the issues is required.
  - Courts in India must return the child to its Ordinary/Habitual residence. After all especially developed countries like US, UK, Australia, Europe have much more time tested laws to protect the interests of women and child.
  - India should sign the Hague Convention on Private International Law especially on Child Abduction
Rakshak Appeals

- India should sign the Hague Convention on Civil Aspects of Child Abduction
- Child Custody Laws should be strengthened as there is no normative process followed
- Any person who has abused the Law Enforcement Machinery, the due process of the Court, should be deemed morally bankrupt and hence incapable to ensure that children grow up to be responsible citizens
- In all matters pertaining to child custody, as a default rule the child should have meaningful contact with both parents.
  - The trial courts in India set up the fathers for failure
  - Visitation rights for fathers typically mean 1 to 2 hours out of 168 hours in a week
  - Courts inadvertently let the child to be emotionally and psychologically enslaved
  - Several research articles have been published to highlight how Child Abduction and the subsequent emotional enslavement of the child leaves the child permanently impaired for life