

Press Release *498a.org*

NRI Marriages - "Abducted" Children, Abandoned" Grooms, and "Abused" In-Laws

New Delhi, January 3rd: An international NRI press conference was organized by 498a.org at New Delhi's India International Center by 498a.org to raise awareness regarding the NRI parental child abduction cases and the misuse of anti-dowry laws against NRIs and their families. Several victim NRI fathers whose children have been abducted and taken to India by their NRI wives had joined this event via tele/video conference in order to raise their concerns and present their heart wrenching stories to the press. Dr. Anupama Singh facilitated the interaction between the NRIs and journalists. There were victims from various parts of the world, mostly from the USA, who participated in this unique press conference. There were around 35 such NRIs on the phone and some of the NRIs family members in India had come to the venue of the press conference. All the NRIs who joined the press conference were highly educated and well-to-do engineers and doctors. The participants included victims whose children had been abducted by their estranged wives or non-custodial ex-wives (who were not even Indian citizens) to India and when these men fought their child custody issues in India, their whole family was jailed by the use of false 498a cases.

Every year, unscrupulous brides dupe thousands of NRI men into sham marriages and many NRIs become victims of International Parental Child Abduction. Not a day goes by when you don't hear the myths regarding the issue of NRI Abandoned Brides and the hype that has been generated by those with vested interests about it. We have come across many cases of immigration fraud in which NRI grooms are used to acquire a visa to a foreign country and then callously abandoned. The complex issues surrounding NRI marriages and the reverse phenomenon of Abandoned Grooms and Child Abductions by NRI Brides were discussed at length in the conference. In fact, India is now known as a safe haven for Parental Child Abduction. Many of the unscrupulous Indian women take advantage of gender-biased laws by filing false cases of domestic violence and dowry abuse to harass and extort money from their husbands and in-laws. In most of the incidents where wife abducted kids to India, the wife had lost the divorce and/or child custody case in foreign court, and ran to India to file a false dowry harassment case against the husband and his family. Several incidents have come to light where the abductor wife also had arrest warrants issued against her in the USA that had been brought to the attention of the Ministry of Home Affairs and the Indian Courts (and also published in a major Indian newspaper). Despite all this, the abductor wives/ex-wives were easily able to register false dowry harassment cases in India. Even after these women had received final orders in their divorce cases in the USA, they came back to India and filed dowry harassment cases against their NRI husbands and their family. In couple of cases, the wife/ex-wife was not even an Indian citizen.

In last two years, many NRIs and NGOs such as Rakshak Foundation have written several letters to the MOIA ministry, met MOIA minister Vayalar Ravi, Secretary Nirmal Singh, written and met members of parliament, deposed in front of several high level government committees. Despite all this, the NRIs have not received any help or support in any form from any Indian government/non-government/legal agency to address the rampant misuse of the Indian gender biased laws that are used solely to extort money from NRIs and harass their extended families. After trying every other possible way to garner help from the Indian government, NRIs have now turned to the media to seek help in creating awareness about the misuse of the dowry laws.

In the case of **Ram**, a well-known doctor earning on an average \$300,000 per year (from prior to the marriage), the marriage took place in the USA to a US citizen divorcee (she was previously married to a low middle class American who she had divorced after obtaining her US citizenship). 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 and months after the US divorce (wherein no dowry was alleged), his ex-wife filed a false dowry complaint (claiming that her family had given \$12,000 as gifts over the life of the marriage). For the last five years, he has been fighting court cases in India in an attempt to get his children back and defend himself against the false dowry harassment case. **Anand** could barely conceal his emotions and pain, when he told everyone how his wife married him only to get into the United States and harassed him for years. On several occasions she attempted to put false domestic violence charges against him (that did not withstand close scrutiny by the US legal agencies), all this harassment from her caused him to change his job several times and finally she abducted both his kids to India and denied him access to them. **Ramesh** (married for 5 years) sent his wife and son to India as he received an e-mail from his father-in-law that he had an impending heart surgery. His wife filed for Child Custody in India and until the interim order was fraudulently obtained, continued to talk to him without giving him even a slight hint of her devious plans. Ramesh contested the case and eventually got an order permitting him to talk to his son in India and in all the proceedings that took place for almost 3-4 months there was no mention of dowry or threatening calls. But within a matter of hours after the order, dowry harassment allegation and false cases of 498a and 506 were

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registered against him and his family. His 80 year old father and his sister were jailed without any evidence. His sister's 2 little kids were without a clue as to where their mother was for 2 days. Despite the court order in his favor, Ramesh has not been able to talk to his son for over a year. Other fathers whose children had been abducted to India recounted their anguish too.

The left behind parents questioned the media as to why India does not have uniform and gender neutral laws, and why the Indian courts cannot dispose off the abduction cases within 6 months by determining jurisdiction based on where the child last resided prior to the abduction (i.e., applying the habitual residence rule)?

Sajjan Kumar (NRI from Russia) joined the conference from Calcutta via phone and recounted how he and his family were implicated in a false dowry death case when his wife accidentally fell to her death in Moscow, Russia. Russian police had vigorously investigated the case and determined that his wife's death was accidental and he was innocent. However, when he reached India with his wife's body (to cremate in India), his whole family was arrested at the airport and put in jail for dowry harassment and dowry death. He spent 40 days in jail for dowry allegation of mere 25,000 rupees. He has little twin sons who are currently with his father-in-law and despite court's order for custody of his sons, he has been denied access to his sons. His passport was taken away as a condition for the bail and every time he travels abroad he has to request his passport from court and submit it again when he is back in India.

Christy Danius (husband of Smalin Jenita) joined the conference too along with his sister Leema. He provided the details of the car accident that had happened in the United States. He described how Smalin's father Sabastian had presented one sided and wrong facts to the media in order to gain sympathy. He categorically stated that there was no dowry involved in their marriage at any stage. Just like normal marriage they had minor arguments, but nothing extraordinary. Christy provided details of how the unfortunate car accident happened while he was driving on a US highway (along with his wife, sister and parents) to a join a new job in another city and provided important/minute details of the case/car accident which his father-in-law had purposely not told to the media. Everyone in Christy's family was hospitalized except Christy. Christy's sister Leema had a fractured skull and fractures of the spine and was in a coma in the hospital for more than a month. His father was admitted to the hospital for over a month too along with his mother. Christy described how he took care of his wife, sister and parents all by himself for weeks despite not having any medical insurance/ source of income/ job. He also stated that contrary to what has been portrayed by vested interests he had intimated his in-laws and his family in India about the accident as soon as he could after making sure everyone was being taken care of in the hospitals. He revealed how he was forced to handover the guardianship of his wife to Sabastian (his father-in-law) when Sabastian reached USA without giving any prior information to him. According to Christy, Sabastian was in USA with Smalin for around a month and did not file a single case in USA (where the car accident had occurred and there had been a complete and thorough investigation by the well trained US police).

While answering the questions from the journalist as to why NRIs do not come to India to defend themselves if they are innocent and have been implicated false dowry cases in India, NRIs mentioned several instances where NRIs came to India and were either arrested at the airport itself or their passports were confiscated as a part of the bail condition. Following the confiscation of their passports and for being unable to return from India, they had lost their jobs abroad. Furthermore, considering the fact that most cases drag on for 6-8 years in the Indian Courts, who could afford to sit in India for that length of time, especially when the estranged wife/ex-wife's family were easily able to use local political/bureaucratic/legal influence in India. **They also mentioned the news item that in 2002 Union minister Renuka Chowdhary's daughter's ex-father-in-law Lajpat Roy, a wealthy British citizen was arrested at Hyderabad airport** (on a visit from London). Smt Choudhary and her daughter Poojitha filed dowry harassment case against him and his son Satya Sai Prasad (an Ophthalmologist in London) within few months of the marriage.

While the highly publicized Pravasi Bhartiya Divas conducted by the Govt. of India has become a platform for bashing NRI Grooms, the Indian Govt. refuses to even acknowledge the anguished cries for justice by these innocent families that are being destroyed by the unscrupulous Indian brides. Efforts by 498a.org and other sister organizations to inform the Indian Govt. about this immigration and extortion racket have been met with resentment and hostility because (by their own admission) they do not want to be gheraoed by an army of women's group supporters. The Govt's apathy towards the plight of these innocent men and their families is best exemplified by the Ministry specifically created for NRIs – Ministry of Overseas Indian Affairs (MOIA). The very Ministry that is expected to act as a liaison between the NRIs and their motherland is steadfastly pursuing an anti-NRI agenda.

MOIA and some vested interests in the Indian Govt. have been propagating questionable statistics in the media to garner support for making even more draconian gender biased laws against NRIs. Claims have been made that there are 30,000 brides that have

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been abandoned by NRIs. But in the reply to a question raised in the parliament in March 2007, MOIA admitted that it has received only 100 complaints since 2005. On the other hand, in less than two years, 498a.org has received more than 750 complaints from shattered Non Resident Indian (NRI) families that have been brutally victimized by the gender-biased laws in India. So far 498a.org has received more than 4000 complaints of false 498a cases filed by NRI and foreign citizen women from around the world against innocent NRIs and their families. 498a.org has been attempting to bring out the naked shocking truth about NRI Marriages, abandoned spouses and abducted children. This issue has acquired even more urgency given the fact that the Indian Govt. is being steamrolled into considering even more gender biased legislations, which are based on faulty assumptions and unsubstantiated statistics.

Following are the suggestions from 498a.org regarding NRI marriages and parental child abductions to India:

1. Make Gender neutral laws that are applicable to both the husband and the wife and remove Gender Bias from existing laws.
2. Stringent penalties should be imposed on people who misuse these laws thereby discouraging others from abusing them.
3. Strengthen implementation of International Laws related to Child Abduction and Rights of the Child. India must sign the **Hague Convention on Civil Aspects of International Child Abduction**. Despite India not being a signatory to the Hague Convention, US Courts sent back to India a child who was kidnapped from Indore by the mother (AJAY GARG v. DEEPA GARG; No. 97, September Term, 2005; COURT OF APPEALS OF MARYLAND; 393 Md. 225; 900 A.2d 739; 2006 Md. LEXIS 344)
4. Jurisdiction of Foreign courts should be accepted if the habitual place of residence is abroad. Registration of False cases regarding matrimonial issues for NRI marriages should not be entertained in India.
5. Until the Child Custody issue is resolved the child should have equal and constant contact with both parents.
6. The Court should monitor the child's progress and ensure that the child is not emotionally and psychologically enslaved.
7. If the custodial parent resorts to abuse of law and law enforcement machinery for oblique motives, he/she should be disqualified from being the custodian/guardian of the child
8. National Commission for Protection of Rights of the Child (NCPRC) immediately take the initiative to help the left-behind parents establish productive and meaningful contact with their children.

The persistent refusal by MOIA to even consider the issue of Abandoned and Cheated NRI Husbands comes as a shock and surprise to NRIs, many of whom have decided to distance themselves from India, after their bitter experience. 498a.org urges the Govt. of India not to marginalize and distance NRIs by pursuing skewed, prejudiced and unjust policies. Further, the Govt. of India is urged to protect the rights of innocent NRIs and deliver justice to them.

*some names have been changed to protect identities