

# NRI Marriages and Abandoned Brides

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to

The Ministry of Overseas Indian Affairs, Government of India

By



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Law and order exist for the purpose of establishing Justice  
and when they fail in this purpose they become  
the dangerously structured dams that  
block the flow of social progress.

**- Martin Luther King, Jr.**

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## Chapter – 1

### Successful Marriages

#### **Determining Factors :**

Harmony and Peace are the 2 prime ingredients which ensure subsistence of a healthy marital relationship. It is an undeniable fact that the ability to ensure these 2 elements is a function of multiple factors. Primary amongst them are:

1. the emotional maturity of individual(s)
2. clear understanding of marriage as an inter-dependent relationship
3. sense of responsibility and level of tolerance
4. mutual respect as a natural outcome of humane qualities
5. regional differences including cultural background and customs & traditions
6. socio-economic factors such as prevalent practices to earn livelihood
7. educational background
8. level of aspirations, especially with respect to lifestyle, life, money, career and societal standing
9. integrity and value systems which get determined through the environmental factors prevalent during upbringing
10. mutual feeling of trust and faith that spouses repose in each other

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## Chapter – 2

### NRI Marriages – Issues and Ramifications

#### A. Issues at the root of NRI Marriages

1. **Expectations from marriage** : The reason why Overseas Indians prefer to marry a Resident Indian differ from the reasons a Resident Indian would marry an NRI. These reasons are a direct function of the expectations one spouse has from the other.
  - a) For many Overseas Indians, marriage is a means to stay connected to their roots. They hold a strong desire to instill the set of Indian values in their children that they themselves grew up with.
  - b) For many resident Indians, marrying a NRI is the easiest route for immigrating to foreign shores. It is also foreseen as an assurance for a comfortable and lavish lifestyle abroad.
2. **Language** : Even though English is the international language, it is not the official language in many countries. Even in countries where English is the official language, the day-to-day communication requires a familiarization with the regional dialects and colloquial phrases. Learning a new language takes a significant amount of time, effort and practice, while familiarizing oneself with variants of a known language (like English) does not involve as much time and effort. Language therefore becomes a barrier unless the emigrating spouse is already well-versed with same or willing to learn the same.
3. **Cultural differences not anticipated before marriage** : Many resident Indians find it extremely difficult to adapt to the foreign culture of the country where overseas spouse resides. This **culture shock** directly stems from the unfamiliar environment and an inability to cope with the abrupt change.
4. **Employment Restrictions** : Some countries impose employment restrictions on spouses of overseas Indians who are on work / student visa. In USA for example, NRI spouses on H4 or F2 visa are prohibited from ANY employment. In such a situation, spouses who were employed in India before emigrating find themselves unable to gainfully utilize their education and skills. This causes enormous frustration in them which at times leads to added friction in the marriage.
5. **Complete Dependency on spouse** : According to Immigration Laws in USA, H4 dependant-visa holders are not eligible for a social security number. Without this number, the individual faces tremendous difficulties in opening a bank account or to secure a driver's licence and cannot be gainfully employed either. This renders the H4 visa holder spouse completely dependent on the overseas Indian spouse. Incidentally, this dependency ranges from the most basic to higher needs of an individual, which in turn induces tremendous frustration and loss of self-esteem in the dependent spouse.
6. **Delay in securing Visa** : It takes considerable amount of time after marriage to complete paper work for obtaining spousal visa. At times this results in frustration to the spouse residing in India who may start suspecting foul play when actually there is none. Similarly inability to visit India due to visa issues may also trigger homesickness and frustration.
7. **Lack of social support system & Absence of Joint Family system** : Some foreign countries have a sizeable number of Indian expatriates and have basic social infrastructure, most places do not. Even, where it does exist, it is seldom comparable with the strong social ties prevalent within India. The lack of a social support system further exacerbates the issues between the spouses and leads to a rapid deterioration of the

relationship. Also the fact that Nuclear families are devoid and deprived of the counseling, help and support that Elders and siblings in a family accord. Absence of this cushion deprives many a petty squabbles from dying down and instead flares them into future grounds for marriages falling apart.

8. **Unfulfilled expectations** : One of the misconceptions about Indians living in foreign countries is that they are able to earn enormous amounts of money, relatively easily. Those who have lived in foreign lands realize that this is not the case at all. It would be worthwhile to acknowledge the universal truth that material things are never free, nor can they be acquired with ease. Such a misconception actually becomes a form of social pressure to achieve / expect the improbable. Not all of their expectations are fulfilled and they discover, for the first time, the challenges of living abroad.
9. **Homesickness** : Separation from friends and family while travelling to foreign shores can be difficult to deal with, depending on individual personalities. It is a well-documented fact that such a transition imposes a psychological stress. Especially with women, those who are enterprising might find things to keep themselves occupied with and learn new things. While those who cannot find anything that interests their minds might feel life in a different country to be very unexciting and constraining.

#### **B. Troubled NRI Marriages – Major Fallouts**

NRI marriages face tremendous pressure because of the unique challenges faced by the young couple in an alien country. Most relationships are able to survive this strain but some marriages do collapse under stress leading to unfortunate consequences :

1. **Ineffective Counsellors add to woes** : Though marital counseling is available and encouraged in most western nations, its effectiveness for Indian couples is greatly diminished because of lack of knowledge of foreign counsellors about Indian culture and its value systems. In such a scenario counseling proves ineffective thereby paving way for more troubled marriages to head for divorce.
2. **Divorce** : In cases where spouses are unable to make their relationship work, the most commonly sought remedy is an application for divorce. Though divorce should be used only as a last resort when all attempts for reconciliation have been exhausted, unfortunately, in some cases, it is in the best interest of both the individuals to separate gracefully, rather than live a life of constant conflict. At this juncture it would be worthwhile to mention that the western judicial system recognizes that it is futile to force two unwilling adults to stay together in a marriage. Such laws are also mature enough to protect the interests of both the spouses.
3. **Child Custody** : Children are the worst sufferers in a broken marriage. In many a cases they become easy pawns in the hands of one of the spouses. In case of NRI marriages, there have been several instances where one of the spouse was found to have abducted the child(ren) to India. Under such circumstances, the issue becomes even more complicated since the child custody battle ensues in 2 countries and under 2 different set of laws. Such child abduction cases many a times are in gross violation of the orders of the local court in the foreign land.
4. **Jurisdiction** : In many cases women do approach the attorneys and NGOs in the foreign country; then depending on their convenience they jump jurisdictions and flee to India under one pretext or another putting the other party at inconvenience. It is highly relevant to mention at this juncture that NRI men find it immensely difficult to fight cases in Indian courts as they have their sources of livelihood in foreign countries. Therefore, due to employment related compulsions in foreign land they are unable to take permission for a long duration of absence from work. Whereas women who are unemployed do not have such restrictive circumstances. NGOs on their part lack the maturity to address such issues.

5. **False Cases under Foreign Laws :** Resorting to false allegations and making frivolous charges under foreign laws (for example, VAWA) are not an uncommon sight anymore. The erring spouse resorts to such measures primarily to secure immigration benefits and to seek child custody, though the underlying intent to achieve such objectives could be more devious in nature.
6. **False Cases under Indian Laws :** Rampant misuse of Gender-biased Indian Laws is the most common remedy that an erring spouse resorts to. Since these laws are not intended to protect the interest of husbands, the wives are the only misusers of such privileges. It is infact pretty easy to fabricate charges and make false allegations against the husband and his family. The implementation procedure for these laws is such that investigating authorities move with a presumption that the complainant is always right and the husband and his family are invariably always the wrongdoers. Such a blatant presumption only creates havoc in the lives of innocent husbands and their families, who are arrested, jailed and deprived of a life with dignity thereafter. Such gender-biased laws give additional leverage to the erring spouse to paint a picture of innocence for themselves while realising fully well that they are playing with the lives of innocents in the process.
7. **Malafide Intention and Ulterior Motives :** More and more gullible NRIs are falling prey to the devious designs of resident Indians who marry with specific intent to achieve their own personal objectives even at the cost of jeopardising the life of the NRI. Such malicious intent comes to the fore when the unscrupulous Resident Indian realises failure in achieving the desired objectives. Deliberately masterminded tantrums stretching as far as connivance with one's paramour are resorted to in an attempt to pressurise and bully the NRI. Such instances spark further criminal acts which end up casting far reaching ramifications on the socio-economic, political, regional and policy matters of the involved nations.
8. **Effect on India's global image :** Specific trends in social behaviour of nationals from a particular country determines the governing policies of the foreign country towards that nation. The magnitude of fallout of NRI marriages is so enormous that it has begun to affect the public image of India in the world as even the foreign governments, notably the United States, have started taking note of this malpractice and have issued advisories on their official websites [http://travel.state.gov/travel/cis\\_pa\\_tw/cis/cis\\_1139.html](http://travel.state.gov/travel/cis_pa_tw/cis/cis_1139.html). The Canadian Govt. has issued similar advisories. [Annexure 1]

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## Chapter – 3

### Fraudulent NRI Marriages

#### A. Broken Marriages & Fraudulent Marriages

- All broken marriages are NOT fraudulent marriages.
- Inability of spouses to cope with mutual differences as well as an inability to come to terms with the cultural differences prevalent in a foreign land **cannot be reasons** to classify a marriage as fraudulent.

#### B. Fraudulent Marriages – Major Reasons

1. **Concealment** of material facts - marital status, education, age, medical / health conditions
2. To seek easy **immigration** to foreign shores for self and family (parents and siblings)
3. Fulfilling **academic ambitions** of acquiring a foreign degree
4. Leading a **lavish lifestyle** marked with extravagance
5. Flaunting an **NRI status** in community
6. To draw from the **source(s) of funds** made available through overseas Indian spouse's income
7. To gain an entry into foreign lands to **reunite with their paramours**
8. **Extort** money by filing false and frivolous charges / cases
9. To seek **hefty alimony** by resorting to divorce thereby facilitating easy money for a lavish lifestyle

#### C. Special Privileges provide leverage for committing Fraud

1. **Assumptions** : Indian Laws provide special privileges to married women under certain specific set of circumstances. The intent and purpose behind promulgation of such laws was to provide protection to women from dowry related harassment or atrocities. Therefore, during promulgation it was **ASSUMED** that women would resort to redressal under such privileges when those genuine set of circumstances would prevail. Unarguably, the Law Makers had reposed immense TRUST in the Citizenry and State Investigation Agencies, who respectively allege and investigate cases under such statutes.
2. **Fallacy** : Unfortunately, the aforementioned Assumption proved to be a **FALLACY** for it has already achieved a far reaching DEVASTATING IMPACT on a large section of Innocent Indian population, who have been falsely accused, implicated, tormented, tortured, and harassed in the name of meting out Justice to women through such biased privileges.
3. **Violation of Human Rights** : False implication and thereby resorting to illegal detention under such laws is a gross violation of Human Rights. It is needless to highlight that most of such gender-biased laws give a sweeping privilege whereby any person on whom the finger is pointed could be falsely implicated without any due application of mind by the Complainant(s) or due diligence by the Investigating Agencies.

Prevalence of corruption is one major factor which makes it rather easy for such privileges to be misused.  
[Annexure 2]

4. **Loss of Dignity** : Besides gross violation of their Human Rights, false implications have created havoc in the lives of Innocent Indian Citizens who lose their Dignity, Source of Livelihood, Earnings, Property, and most of all Peace of mind.
5. **Modus Operandi:**
  - a) Gender-biased laws provide necessary leverage and offer ample encouragement to unscrupulous people to file false and frivolous charges against innocents. Such Misusers of Law **paint their innocent spouse as fraudsters** whereas in reality they themselves have malicious intent of duping these innocents.
  - b) Innocent, gullible spouses who have all along been law abiding citizens generally succumb to such shocking intimidating acts, thus eventually giving in to the pressure tactics of their devious minded spouses. **Out of court settlements are resorted to** in such cases where the groom and his family are fleeced and duped of their lawful earnings and property. Interestingly, such intimidating measures gather legitimacy through existing gender-biased laws, for the law presumes all women to be victims only thereby presuming all men as perpetrators of crime.
  - c) Besides extortion, most of the Complainant(s) under such biased laws resort to their rampant misuse so as to settle scores with their life partner and his extended family. There are ample cases wherein Complainant(s) have resorted to such misuse as **an escape route for themselves**, especially when they see the Law of the Land tightening it's noose around their neck. Ulterior motives, malafide intentions and oblique objectives when exposed, make the Misusers of Law scurry for cover under such gender-biased privileges.
6. **NRIs more Vulnerable** : Misuse of gender-biased laws gains more prevalence in cases where the groom is an NRI or has overseas connections. NRIs are presumed to be flush with money whilst marriage with an NRI provides the easiest and fastest means to immigrate to foreign shores. These 2 general perceptions **unfortunately makes NRIs more vulnerable to fraudulent marriages**. There are ample evidences to show that NRI grooms are invariably forced to pay outrageous amounts when it comes to putting an end to such fraudulent knots.
  - a) Women who resort to false charges under Section 498A of Indian Penal Code do so to force a quick and favourable settlement as well as assured custody of the child.
  - b) The erring spouse may also level false accusations of domestic violence and abandonment in foreign countries so as to allow for a plea for asylum and hence immigration benefits.

## Chapter – 4

### Gender Biased Laws - Statistics

#### Statistics

1. Cases registered in 10 years (1995 – 2005) under one of the most abused gender-biased laws – Section 498A of Indian Penal Code.

Year	1995	1996	1997	1998	1999	2000	2001	2002	2003	2004	2005
Cases under Section 498A IPC	28579	35246	36592	41375	43823	45778	49170	49237	50703	58121	58319

Source: Ministry of Home Affairs, Government of India.

2. Data on Persons Convicted and Acquitted for 3 years (2003 – 2005) under Section 498A of IPC :

Year	Total No. of Persons under Trial Including those from previous year	No. of Persons whose			Conviction	Percentage of Persons	
		Cases Compounded or Withdrawn	Trial Completed	Trial Remained Pending	No. of Persons Convicted	whose Trial remained Pending	Convicted To Trials Completed
2005	573881	13447	74496	485938	14583	84.7	19.6
2004	537137	13717	71192	452228	14706	84.2	20.7
2003	500166	11229	70167	418770	12558	83.7	17.9

Source: Ministry of Home Affairs, Government of India.

3. Besides growing misuse of laws, the consistent increase in registered cases also indicates the failure of Policy Makers to identify the root cause(s) of such social evils.
4. A consistent upward swing clearly shows that the laws have miserably failed in their intent and purpose. The real solution lies in empowerment through education and not through legislations.

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## Chapter – 5

### Gender Biased Laws - Impact

#### A. Misuse of Law creates new Crime & Criminals

DANGEROUS socio-behavioral patterns are fast emerging through misuse of gender-biased laws, more so in cases where innocent NRI men and their families are falsely implicated. The reasons for misuse of law in such cases are quite unusual and bizarre. Nonetheless, at the root of this debacle are married Indian women and their Instigators, who do not hesitate in misusing Laws thereby persecuting innocent husbands and in-laws.

- There are several cases where women have filed false dowry harassment charges to facilitate claiming huge sums of money (**Extortion**) from NRI men and their families. [Annexure 3]
- Several cases where women marry NRI men to **facilitate immigration** for herself, her parents and/or siblings. [Annexure 4]
- Several instances where NRI men are harassed by their wives and forced into **transferring large sums of their earnings** thereby supporting her family in India. [Annexure 5]
- Women opt for marriages with NRI men to **fulfill their own academic ambitions** of earning a foreign degree (all expenses borne by NRI husband). [Annexure 6]
- Gullible NRI men are duped by women who fake marriages so as to **secure visa** effortlessly. [Annexure 7]
- **Living an extravagant lifestyle** is one of the primary reasons why many women prefer to marry NRI men. [Annexure 8]
- Women file false dowry harassment charges to **seek an early divorce** from NRI husband so as to settle down on her own or with her paramour. [Annexure 9]
- False charges of harassment are filed to secure **custody of children**. [Annexure 10]
- False charges are leveled in cases where material facts were concealed by the bride and her family before marriage. The groom is falsely charged when he (or his family) unearth such facts or realise that they have been duped or cheated by the bride and her family. [Annexure 11]

#### B. Impact of Gender Biased Laws on NRIs

##### 1. Passport and Visa Issues

- a) **Revocation of Passport** : There have been several instances where despite the matter being subjudice, the Ministry of External Affairs has issued orders to impound / cancel / revoke the passport of the falsely accused NRIs. It is needless to emphasize that such **drastic measures** only lead to **persecution of innocents**. Placing undue restrictions on their movement not only jeopardizes their employment status in the foreign country but also prevents them from defending themselves in the Indian courts.

- b) **Renewal of Passports** : Passport Renewal form makes it mandatory for all individuals to disclose if any criminal charges are pending against them. This stipulation works adversely for NRIs facing false charges under gender-biased laws in as much as they face grave difficulties in getting their passports renewed.
- c) **Interpol Red Corner Notices (IRCN)** : Indian Law enforcement agencies secure Red Corner Notices through Interpol, against falsely accused NRIs, thereby seeking to initiate the process of extradition against them. Such IRCN are issued without even verifying the veracity of complaint thus mindlessly and unjustifiably equating such innocent NRIs with dreaded criminals like Dawood Ibrahim and Abu Salem. This malfeasance on the part of Law enforcement agencies causes irreparable damage to the falsely accused NRIs which ultimately translates into harassment, loss of reputation, loss of employment, loss of legal / visa status in the foreign country. After facing such persecution due to a false complaint, an acquittal cannot compensate for the ignominy faced by these NRIs during the trial.
- d) **Work Visa renewal problems** : It becomes immensely difficult to get the work visa renewed once the Interpol Red Corner Notice is issued. In effect, a false complaint under gender-biased laws demolishes the career of bright and successful young men negating not only their years of hard work but also the good will created in a foreign land by these ambassadors of our country. Under such circumstances, the innocent NRIs are hard put to explain the rampant misuse of such gender-biased laws to the consulate officials and to convince them that the Interpol Red Corner Notice has been issued on grounds of a false criminal case.
- e) **Problems obtaining Permanent Residency or foreign country citizenship** : Since Indian gender biased laws are 'criminal' in nature it causes problems in innocent NRIs in obtaining Permanent Residency or foreign citizenship (most foreign countries require disclosure of any criminal cases against a person, in which he/she has been cited or chargesheeted. This has a negative impact on the application for Permanent Residency or Citizenship and it has to be reported even if the courts have acquitted the person of any wrong doing)

## 2. Family Issues

- a) **Alienation of NRIs** : To cite an instance, all complaints under Section 498A of IPC (a gender-biased law) are cognizable in nature, i.e., the accused can be arrested and jailed without warrant or investigation. Thus any false charge too would make the arrest imminent. In such a scenario, any innocent NRI who has worked hard and lived with integrity thereby acquiring a good honorable reputation for self would obviously stand ruined if arrested without any rhyme or reason and that too at the behest of some unscrupulous people who have filed false charges against him / her.

This fear of being arrested looms large on NRIs if they attempt to visit India to prove their innocence. The dilemma is obvious since they stand to lose more if restrictions are placed on their movements. Any such restriction would cast an adverse impact on their professional and personal lives. Loss of livelihood, loss of legal and visa status in foreign country and most of all loss of reputation are certain losses, which can never be repaired or compensated.

- b) **Cognizable nature** of gender-biased laws further prevents falsely accused NRIs from proving their innocence by visiting India without any fears of arrest. It is needless to emphasize that any unjustified arrest leads to defamation and irreversible losses for a citizen thereby violating their Human Rights, especially the **Right to Live with Dignity**.
- c) **Child Custody** : Fighting the child custody case from abroad is wrought with immense difficulties, especially for NRI men. There are several cases where the children of the NRI men have been abducted and kidnapped to India by their wives. Such men are generally slapped with a false charge under

- gender-biased laws (especially section 498A of IPC) when they decide to put up a fight for child custody rights.
- d) **Divorce Issues** : Marital discord in many a cases leads to divorce proceedings too. There are numerous instances where false charges under gender-biased laws, such as section 498A of IPC have been leveled only because the husband initiated the divorce proceedings. Such falsities are resorted to only so as to create undue pressure and coerce the NRI men and their families to meet unreasonable, unjustified demands of the wives.
  - e) **Harassment of NRI's family in India** : Alienation of NRIs as enumerated above renders their families and relatives highly vulnerable to the whims and fancies of Indian Law enforcement agencies, wherein the Indian Police has time and again been widely accused of rampant corruption and malpractices as is evident through several media reports and studies conducted by International Research Agencies.[refer to Annexure 2]

### 3. Employment issues

- a) **Harassment at workplace** : In most of the cases where NRI men are falsely accused, it has been found that the wife, her relatives and/or her lawyer in India malign the reputation of the falsely accused NRI at his workplace (by phone calling, sending emails to employer and other peer employees, sending court papers by registered post at work place enumerating accusations). Such malpractices and uncalled for conduct ultimately leads to loss of livelihood as well as defamation of the falsely accused NRI men. [Annexure 12]
- b) **Visa Issues** : In cases, where the employee is based in an overseas office of an Indian corporation or its client, the loss of employment forces the innocent NRI to abandon his primary source of living, career and social standing abroad.

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## Chapter – 6

### Suggestions & Recommendations (NRI Marriages)

Providing a solution to NRI marriages is not easy. One needs to understand the educational, social and psychological background of the spouses involved. An understanding of the mechanics and dynamics of divorce proceedings in the foreign country is also very vital.

1. **Counsellors with knowledge about Indian Values & Culture** : Having neutral Indian marriage counsellors to help resolve marital conflicts would go a long way in strengthening NRI marriages.
2. **Increase Awareness of citizens emigrating to foreign lands** : Government should make requisite efforts so as to help citizens set realistic expectations of life abroad.
3. **Permission to return to place of employment abroad** : It is suggested that unless it is an alleged case of suicide or death, there should not be any restrictions on the movement of the NRI. Also, the NRIs should be allowed to return to their place of employment abroad, and should not be detained as long as the trial is pending. This would help minimise hardships as also save any loss of livelihood for the NRI's family, thereby preventing such loss from translating into a burden on the society at large.
4. **No revocation/ impounding of Passport / No Lookout Cards / No Interpol Red Corner Notices** : It would be in the interest of justice if some distinction is maintained between family matters and matters which pose a serious threat to the security and territorial integrity of the country. NRIs are not dreaded criminals, neither do family related issues qualify to become acts of grave criminal intent unless there is suicide or death involved. To facilitate this distinction, as also to avoid placing undue restrictions on the movement of falsely accused NRIs it is suggested that the passports of NRIs should not be impounded or revoked, and no Lookout Cards or Interpol Red Corner Notices be issued against them, unless they are found guilty by a court of Law.
5. **Expeditious investigation and trial** : A time bound trial should be made a statutory requirement. It is needless to reiterate that the said measure would be beneficial to all and would also help uphold the faith of citizens in the Law creating and Law enforcing agencies of India.
6. **No arrest of NRI's family** : Interpol Red Corner Notices and Lookout Cards are issued against NRIs and their family members without even verifying the veracity of complaints. Thus even false charges lead to issue of LOC / Red Corner Notices. It is suggested that NRIs and their family members should not be arrested unless the alleged charges are for causing suicide or death.
7. **Assistance in Legal representation** : Enormous hardships, cost and time are involved in expediting cases involving NRIs. It is suggested that facilities for video-conferencing be made available in Consulates and other authorized overseas offices of Government of India so as to facilitate appearance in Indian Courts. The Supreme Court of India in *State of Maharashtra v/s. Dr. Praful Desai* and others had said that even in criminal matters evidence can be by way of electronic records, which would include video-conferencing. Such a facility, if provided, would go a long way in easing the hardships faced by the NRIs in legal matters.
8. **Child custody** : Fighting child custody cases under laws of 2 different countries complicates the issue on hand because jurisdictional issues. In such cases, laws should ensure and take into account the best interest of the child.

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9. **Affidavits from Spouses** : Medical reports and affidavits under penalty of perjury from both the spouses should be exchanged and registered. This will go a long way in preventing marital fraud.
  10. **Compulsory Registration of Marriages and list of Gifts exchanged** : Gifts given to the bride and the groom during the course of marriage should be compulsorily registered along with the registration of marriage.
  11. **Mandatory prenuptial agreement** : A prenuptial agreement is in the best interest of both spouses as it protects both the spouses in case of marital fraud. The registration of a prenuptial agreement should be made mandatory.
  12. **Common Sense approach to weed out false cases** : If any case of harassment or dowry is registered in India by wife of NRI husband then courts must also find out if any such case(s) are registered in the foreign country against the NRI husband too. If any such case is not registered in the foreign country, this is one of the best indicators that the cases (498a and DV) are false.
  13. **Stringent punishment for Abusers of law** : The punishment for misusing this strict law should be equally stringent. Once a complaint has been found to be false, severe penalties should be imposed to discourage misuse of this law.
  14. **No Arrests unless absolutely necessary** - An arrest on a criminal charge has grave consequences - social, mental and financial, for the individual. Unless there is irrefutable evidence to suggest physical torture, no arrests should be made. Also, senior citizens, minors (children below the age of 18), pregnant women and people requiring medical attention should be excluded from arrests. **The final decision in this regard should be taken by an Authority** not less than the Superintendent of Police of the District who too should have general instructions to apply his mind judiciously in each individual case on its merits and then pass suitable order(s) in writing.
  15. **Gender-biased Laws** : should be made bailable and compoundable, as also recommended by 'The Malimath Committee Report' on Reforms of Criminal Justice System, 2003 (Refer Para 16.4 of the Report).
  16. **Gender Neutrality** : All laws should endeavor to punish the guilty and protect the innocent, irrespective of the gender. The laws should be made gender neutral to protect the interests of any innocent, be it a man or a woman. The gender specific words like "husband" and "wife" should be replaced by gender-neutral words like "spouse" in all gender-biased laws.
    - a) The paradigm of male being a perpetrator and female being a victim doesn't allow a response that does not fit the paradigm. Defining the problem is the first step.
    - b) In keeping with the rapid changes in society, acceptance that no one, regardless of gender, deserves to be abused should be the standard together with equal treatment for those with like circumstances, irrespective of gender.

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## Chapter – 7

### Abandoned Brides

#### An issue with wide ramifications

On numerous occasions, the Ministry of Women & Child Development, Chairperson of National Commission for Women as well as the Ministry of Overseas Indian Affairs have cited data on number of Indian Women deserted by their NRI husbands. [Annexure 13]

1. The aforementioned sources have termed these women **Abandoned Brides**.
2. The quoted data has specific relevance to NRI marriages only.
3. Other countries have taken cognizance of the said issue and have begun stipulating combat strategies through their new policies towards Indian Nationals. Undoubtedly, such policies would have drastic, far reaching impact on the lives and lifestyle of Indian Nationals residing abroad.  
[Annexure 14]

Given such facts, it would be worthwhile to take a deeper look into the said malady, which needs to be addressed through an appropriate remedy. It would be pertinent at this juncture to look at statistics and the various reasons that have culminated in giving effect to this phenomenal trend.

#### Statistics – from various sources

1. **Data quoted by WCD Ministry & NCW** : There are 30,000 Abandoned Brides as per data quoted by Ministry of Women & Child Development, out of which about 15,000 are allegedly from the **Doaba** region of Punjab.  
[Annexure 13]
2. **Data quoted on the floor of Parliament** :
  - a) **Lok Sabha [03-August-2005]** : The Minister of Overseas Indian Affairs (MOIA) in response to Starred Question no.160 regarding number of Abandoned Brides had stated, “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”.  
  
Thus, **only 18 complaints** of abandoned brides were received by MOIA till the **year 2005**. [Annexure 15]
  - b) **Lok Sabha [14-March-2007]** : The Minister of Overseas Indian Affairs, Mr. Vayalar Ravi, in response to Unstarred Question no.2104 regarding number of Abandoned Brides had stated, “such data is not maintained, however, the Ministry has received about **100 complaints** from women victims of NRI marriages”. [Annexure 16A & 16B]
  - c) **Lok Sabha [23-March-2005]** : The Minister of Overseas Indian Affairs was asked through Starred Question no.297 as to “whether an alleged marriage racket functioning to allow entry into Britain had been unearthed recently”. The Minister stated in response, “Yes, Sir as per a media report, 20 bogus Indian brides, 3 husbands and a genuinely married couple of fake wedding fixers have been convicted

















