

NRI Marriages Vanishing Brides and Abandoned Grooms

- RAKSHAK

Dr. Anupama Singh

Aug 9th, 2007

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**

- | | |
|--|---|
| <ul style="list-style-type: none"> ▪ Assumptions <ul style="list-style-type: none"> ▪ Special privileges to married Indian women ▪ Women would not resort to fraud ▪ Women would not level false accusations ▪ Fallacy <ul style="list-style-type: none"> ▪ Above assumptions are not valid | <ul style="list-style-type: none"> ▪ Violation of human rights <ul style="list-style-type: none"> ▪ False implications ▪ Illegal detention under gender biased laws ▪ Corruption makes it more easy ▪ Elder abuse |
| <ul style="list-style-type: none"> ▪ Loss of Dignity <ul style="list-style-type: none"> ▪ False accusations also results in <ul style="list-style-type: none"> ▪ loss of job ▪ Social harassment ▪ Mental and economic abuse ▪ Major health implications | <ul style="list-style-type: none"> ▪ Loss of Faith <ul style="list-style-type: none"> ▪ Loss of trust in institution of marriage ▪ Psychological problems in next relationship |

Modus Operandi

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- 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?

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Troubled NRI marriages – Major fallout

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- **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
 - 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

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Troubled NRI marriages – Major fallout

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- **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

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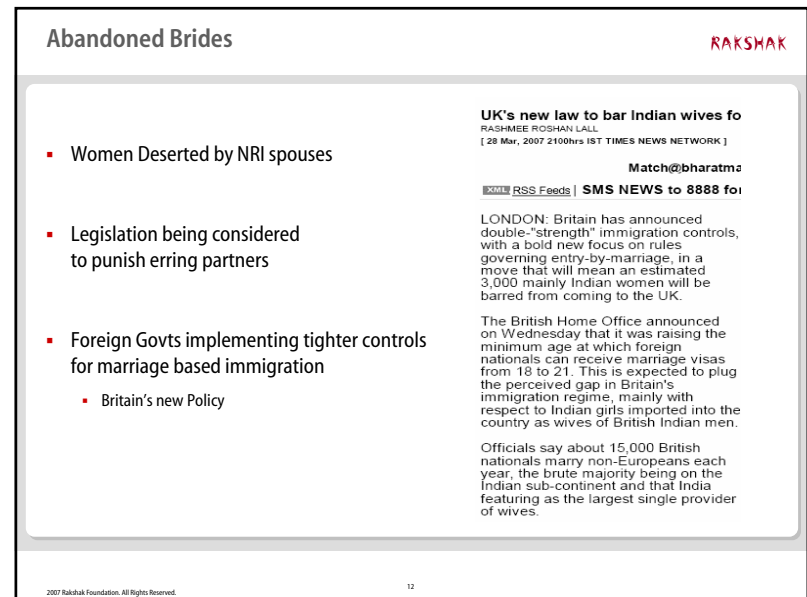
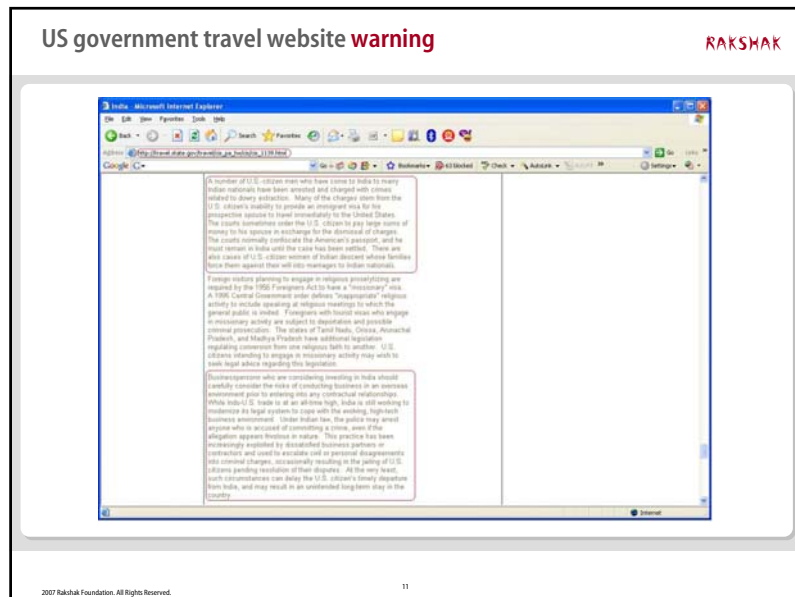
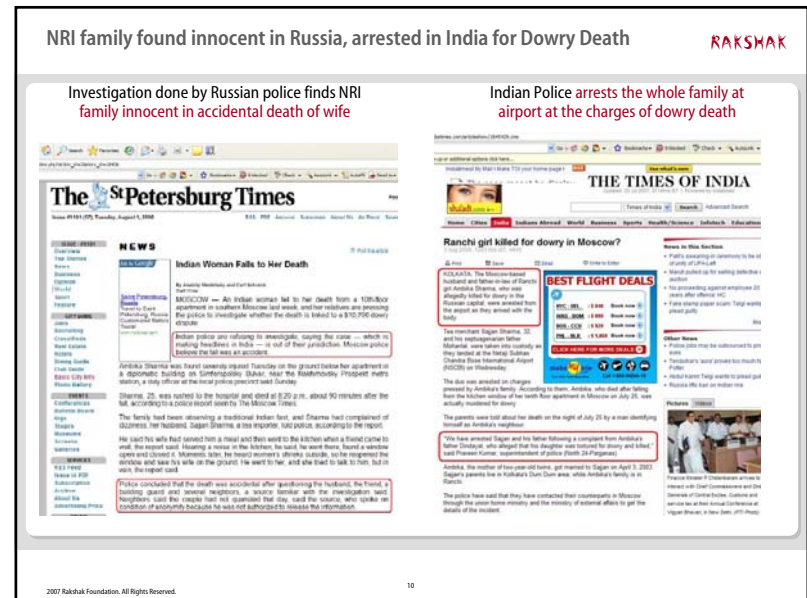
Impact of Gender Biased laws on NRIs

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- **Passport and Visa Issues**
 - Revocation or impoundment of Passport by MEA → leads to loss of livelihood
 - Interpol Red Corner Notice (IRCIN) issued
 - Problems in renewal of passport (pending criminal 498a case)
 - Visa Renewal problems with Non-bailable warrant or IRCIN
 - Problems obtaining permanent residency of foreign citizenship
- **Family Issues**
 - Alienation of NRIs from India and family
 - Unjustified arrest to Indian family members
 - Complicated child custody issues
 - Divorce issues – Foreign decree
- **Employment Issues**
 - Harassment at workplace (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

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Abandoned Brides - Statistics

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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.

such Singh said. He mentioned is consistent proposal to establish overseas centres in States, Malaysia for these are the places where significant Indian population. "Besides other things, these also extend counselling facilities help of professional counsellors who face the problem of fake/fraudulent/failed marriage. He also called on state and non-governmental organisations (NGOs) to play an active role.

- Data from MOIA
- Reported in the July 2006 "Pravasi Bhartiya" booklet by the Ministry

Abandoned Brides - Statistics

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Serving over 22 millions NRIs worldwide
Most trusted Name in the NRI community
We never stop working for you, NRI PEOPLE-

NRI MARRIAGES

India in action to extradite NRI grooms who desert wives

NEW DELHI, Jan 9, 2007
Soma Sharma

On Monday, the Minister of State for Women and Child Development Renuka Choudhary 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 heavy 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 Doaba region of Punjab alone.

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

Abandoned Brides - Statistics

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

- whether a number of cases of NRIs getting married in India and deserting their brides have come to the notice of Government;
- if so, the number of cases reported during the last two years and till date;
- the steps taken by the Government to provide protection and render necessary assistance to these hapless women; and
- the success achieved in this direction?

ANSWER

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

- Some cases have been brought to the notice of Government.
- 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

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

- whether the number of women abandoned or cheated by their NRI husbands have increased;
- 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)

- 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

States	Number of cases
Delhi	25
Punjab	18
Haryana	09
Kerala	08
Uttar Pradesh	11
Andhra Pradesh	14
Tamil Nadu	03
Bihar	01
Madhya Pradesh	04
West Bengal	02
Rajasthan	02
Gujarat	02
Karnataka	01
Madhya Pradesh	01
Total	100

- Lok Sabha Unstarred Question No. 2104 (14th March 2007)
- 100 cases reported

Abandoned Brides - Statistics

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- 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

Abandoned Brides - About their rights?

The Tribune, Chandigarh, India - Ludhiana Stories

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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 Nachatar 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 Punjab youths with the promise of greener pastures in Canada. Harbans Singh, another NRI and close relative of Parwinder, was instrumental in introducing her to Bhupinder Singh of Dhulkot and Baljinder Singh of Koom Kalan who asked Kuldeep to marry her.

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used to you

NRI marriages – Suggestions and Recommendations

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- 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/impoundment of passport
- No Lookout Cards (LoC)/No Interpol Red Corner Notice (IRC/N) 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

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- 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 – eg. Spouse cannot file DV case in India for offence in USA

Conclusions and Recommendations

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- 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 over-simplistic.
- 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

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Thank you !

Efforts of NRIs to reach out to the Govt.

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- 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.
- Counselor 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

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NRIs Efforts to reach out to the Govt.

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Date	From	communication	Party Communicated to	Subject
November 13th, 2005	Satya Kumar, Rakshak Member	e-mail	Secretary, MOIA, secretary@moia.nic.in, sriv@mea.gov.in, nvermail@alpha.nic.in, presidentofindia@rb.nic.in, hrwdr@hrw.org	Gender biased booklet by MOIA and Misuse of 498a
January 4th, 2007	Vandana Jhingan, TV Asia Bureau	e-mail	MOIA Ministry, Vayalar Ravi, dg@indianconsulate.com, cgisf@cgisf.org, CCA@cgisf.org, edu@indiagov.org, cgi-hou@swbell.net, dms11@moia.nic.in, dsds@moia.nic.in, drss@moia.nic.in, minister@moia.nic.in, secretary@moia.nic.in, dsf@moia.nic.in, dremig@moia.nic.in	False dowry cases by women of Indian origin, defamation of Overseas Indians by MOIA and Interpol Red Corner Notices on falsely accused Overseas Indians
February 16th, 2006	Rakshak Member	email	minister@moia.nic.in, secretary@moia.nic.in, dsds@moia.nic.in, drss@moia.nic.in, presidentofindia@rb.nic.in	Torture of NRI women: Falsely implicated by 498a (by sister-in-law)
April 18th, 2006	3 Rakshak Members	Personal Meeting at Stanford University	Consul General B.S.Prakash	Handed over 2 booklets: "Misuse of 498a booklet" and "Guidance booklet for NRI marriages prepared by Rakshak" in response to highly pro-women booklet prepared by MOIA

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NRIs Efforts to reach out to MOIA

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

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NRIs Efforts to reach out to MOIA

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Date	From	Mode of communication	Party Communicated to	Subject
June 29th, 2006	4 Rakshak Members	Personal Meeting with MOIA minister Vayalar Ravi and his Staff, Los Angeles	Vayalar Ravi, Vice Consul Prabhat Kumar at Hotel Hyatt Century Plaza, Los Angeles	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.
July 6th, 2006	ForgottonWomen.org	Personal Meeting with MOIA minister Vayalar Ravi and his Staff, New York	Vayalar Ravi, Vice Consul Prabhat Kumar at Hotel Hyatt Century Plaza, Los Angeles	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.
July 9th, 2006	Vandana Jhingan, TV Asia, Rakshak	Personal Meeting with MOIA Minister	Vayalar Ravi	What is MOIA doing to protest innocent NRI husbands from false cases in India by their estranged wives
May 12th, 2006	10 Rakshak Members	Personal meeting with CG's office SF, USA	Prabhat Kumar, Vice Consul	Families harassed by wives misusing 498a, MOIA booklet
December 6th, 2006	Prabhat Kr. Singh (Vice Consul)	e-mail	help.rakshak@gmail.com	acknowledgement that our issues have been forwarded to ministry
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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NRI marriage – **Unique** Challenges, Issues and Ramification
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- 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

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Abandonment in Doaba, Punjab
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- 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)
- Foreign Govts. tightening immigration
 - UK explicitly mentions Punjabi immigrants
- Obsession for Migration leads to tragedies
 - Malta Boat tragedy, Daler Mehendi Case
- All legal and illegal Avenues explored
 - Marriage, cultural and religious visits
- Abandonment – not a deterrent for migration

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