

Information Booklet for Overseas Indians

On

Marriages to Indian Brides

Forewarned is Forearmed!

Are you an unmarried well educated man of Indian Origin? Are you either an immigrant or in the process of immigrating to the US, the UK, Canada, Australia or other western countries? Are you a second generation person of Indian Origin committed to preserving your traditions and roots? Are you looking for a bride from India to bring that cultural heritage into your family? Are you considering the marriage of your son or brother to a woman from India?

Marriage to an Indian girl seems to be the gateway to a “Happy Married Life” and a sure way to contribute to preserving your culture and your heritage and pass on the same to your offspring. True to those expectations, and contrary to what the Ministry of Overseas Indian Affairs (MOIA) and the National Commission for Women (NCW) would have you believe, many marriages between NRIs and Indian women are successful and have happy outcomes. Unfortunately, like many other things in life, a marriage can also fail due to various reasons, and this is true of the marriage between an NRI and an Indian woman.

In the case of NRIs, the aftermath of a failed marriage is an unmitigated disaster. This is due to false cases filed in India by these women against their NRI husbands, after the failure of the marriage. Over the years, many educated and successful NRIs have experienced this with detrimental effects on their careers, financial stability and their mental and physical health. The families of these NRI men bear the brunt of all these effects, with the parents being the most affected. There have been even instances where the NRI men were unable to return to their homeland for the funerals of their parents.

So while you hope for the best, you should be prepared for the worst. This document attempts to prepare you to avoid the traps that lie ahead as you go about searching for your Indian bride.

Typical Scenario

In a typical scenario, an NRI marries an Indian woman and brings her to the country of his residence. In most cases, there is a honeymoon phase where sweetness flows. Soon after, he discovers that she has other motives and her concept of a “Happy Married Life” differs with that of his. This is followed by the first demands – financial help. This help is usually for the purpose of supporting her parents, a sisters’ wedding

or a brothers' education. The flip side of this demand is the restraint she likes to impose on his interactions with his family. These demands then turn into constant nagging if the man doesn't give in. Soon his life becomes a living hell. He may be subjected to a see saw of emotions that range from rage to a display of affection by his bride. Normally the man starts to yield to her demands. As long as he gives in to her demands, he is treated tolerably well but the emotional see saw continues. The day he stands up and stops yielding to her demands, the real issues start.

She realizes that she can not squeeze the man anymore and decides to embark on Plan B. The plan B phase can occur within a month of the marriage or as late as a few years. There really is not a time frame for this. She knows there is a constant drumbeat of support and an anti-male, anti-NRI sentiment present in India, thanks to a cooperative media and propaganda by the Indian government. She also knows that Indian laws that deal with divorce, maintenance and separation are heavily tilted towards the women.

On the pretext of visiting family, she returns to India, often taking valuables with her. If the couple has children, she takes the children with her. Later, the blackmail starts. She refuses to come back to her husband. In the meantime, she and her parents have already made plans about how to extort the maximum amount of money from him using Indian law enforcement agencies and the slow judicial system.

First she refuses to come back and tries to lure the husband to visit India. Oblivious to what is in store, the NRI travels to India. Once he lands in India, the police is waiting to arrest him, his siblings and parents under IPC 498A. [Google search IPC Section 498A or just "498A" for more information. Put succinctly, this is the law used by many women and her family to implicate an NRI in a baseless dowry harassment case to extort money. Also check Appendix A.]

But wait, you never asked for Dowry. In fact, you spent your own money on the wedding arrangements. You bought presents for her family with your money. You recently spent thousands of dollars for her shopping spree. You gave your hard earned money for her brother's education and sister's wedding. All this doesn't matter anymore. You are an NRI and are considered to be a golden goose by all and sundry, starting with your wife and in-laws.

Now, the extortion phase starts. Your passport is confiscated and you are humiliated by the Indian police who try to play "honest" broker and subject you to harassment and intimidation. Of course, you can settle the matter out-of-court. The bargaining usually starts at around one crore rupees (about US \$200K) "Pay up or be jailed - your choice" – is the advise and counsel offered to the NRI.

Suppose the NRI figures this out, escapes back to his country of residence and refuses to go back to India, then he becomes a criminal who deserted his family. The Indian government promptly issues a red corner notice through Interpol with trumped up and unsubstantiated charges based on the whimsical/malicious complaints of your wife. The media is ready to join the action. The woman goes to the media and the headlines read thus – “Here is one more victim of fraudulent NRI marriage”. The NRI man married and deserted the mother and child in India after his dowry demands were not met. Your face is flashed on the TV and your name is displayed in the newspapers, but your wife remains anonymous.

Eternal Vigilance

What can you do to avoid getting into such a situation?

Obviously, it helps to be as vigilant as possible. Before finalizing a proposal with a girl from India, make sure you familiarize yourself with the following:

Some cardinal rules -

- ✚ Do not take any decision in haste and do not get pressurized into do so for any reason whatsoever
- ✚ Do not finalize matters over long distance, on phone or through e-mails
- ✚ Do not blindly trust any bureau, agent, tout or middleman
- ✚ Do not ever agree to forge papers or enter into any fake transactions for any reason or on any pretext
- ✚ Do not finalize matters in secrecy – publishing the proposal among the near and dear ones, friends and close relatives could help you in getting vital information about the bride and her family which you may not otherwise be able to collect.
- ✚ Do not agree to a marriage in India, if you can sponsor her to your country of residence on a fiancée visa. That way you get a chance to know her and her temperament better. You will be better off in the event of any marital disputes to be subjected to jurisdictions of your adopted country rather than India.
- ✚ Do not ever divulge any material information about your financial situation. If someone demands to see your bank balance, your employment status, the properties you own etc, please know, they are interested in your money and not in your welfare.
- ✚ Do not divulge government records like your foreign driver's license, your social security number and other credentials. No one, other than duly authorized personnel of the country of your residence have the legal authority to ask those details from you. You can show them in good faith, but do not yield to pressure from anyone. Know that if someone is demanding to see those details, they are not interested in marriage, but have other ulterior motives in the long run. Make sure you protect your privacy, particularly with respect to the following important documents -

- Visa, passport
 - Voter or alien registration card
 - Social security number
 - Tax returns
 - Bank account papers
 - Property papers
- ✚ Do not consider, or at least, be wary of any proposals from families that have political connections. These families know how to work the system and are fully aware of the possibility of misuse of biased and ill conceived gender-based laws in India. They can be ruthless if your marriage fails for any reason and will do all they can to use the machinery of the state to wreak vengeance on you and your near and dear ones in India.
- ✚ Do not promise to help her family financially. You may do that out of love for her later in your life, but never agree to that as a pre-condition for marriage.
- ✚ Do not agree to make any investments in India in her name or in her parents' name or in her siblings' name.

Verification of Antecedents/Documents

Verify if the status of the woman is actually as represented by her, especially with regard to the following particulars:

- ✚ Medical history: Most important. This could mean life and death for you. Do not assume that girls in India are not promiscuous. Many of them lack proper sex education and indulge in reckless sexual adventures before the marriage. Be prepared to submit yourself for a medical test for any communicable diseases and demand the same from her. A recent newspaper poll said that the 60% of Indian women had pre-marital sex. It is in your interest to look out.
- ✚ Education details: If education is important for you, then do not be shy in asking her to show her the proof of her qualifications. There will be a tendency to portray her as a genius.
- ✚ Character: Do not hesitate to ask her neighbors, her employer, and her colleagues about her general temperament, her behavior and her character. Do not be conned into a marriage by the consideration of beauty alone. Any demonstration of short temper should raise red flags for you.
- ✚ Ensure that none of her sisters filed a 498A or DV Act criminal complaints against her in-laws. This is a red flag for you and you must be prepared to walk away from that alliance.
- ✚ Verify if her paternal grandparents are living with them. If they are not living with them, try to know why. Chances are that, if you marry her, your parents may be shown the door too.

- ✚ Check to see how many siblings she has, including any sisters who need to be married off and any brothers who have plans to go abroad. You may be asked to foot the bills beyond what you can afford.
- ✚ Giving or taking dowry is a crime under Indian law. It is also a repugnant practice that needs to be condemned. You are a successful NRI earning decent salary in a stronger currency. You do not need the petty gifts and paltry sums of money as dowry from your already indigent in-laws. Make sure you obtain an affidavit from your in-laws, before the wedding, that no dowry was asked or given. Ensure that you get the affidavit witnessed and notarized.

Insist on the following:

- ✚ Affidavit from the woman and her family stating their voluntary acceptance of the foreign jurisdiction in the matrimonial matters. If they object to it, show them the evidence regarding the misuse of 498a against NRIs.
- ✚ Have regular and meaningful communication with the woman and her family over a period. Even if it means several trips to India, be prepared for the same.
- ✚ If you can meet a girl of Indian origin in your adopted country, it is always preferable to bringing a girl from India. The chances are that these girls will not have your family jailed if you encounter any marital discord.
- ✚ Make sure that the two persons to be married meet personally and interact freely and frankly in comfortable atmosphere to make up their minds, as many times as they feel necessary.
- ✚ Rely on the gut feeling and communicate amongst members of your family. If any of you sense that anything is wrong or amiss, call it off. Always keep communication amongst yourselves easy and open.
- ✚ Do not agree to either a social marriage or a registered marriage in India, if you can sponsor her to your country of residence on a fiancée visa, do it and marry her there if you feel comfortable.

Divorced NRI men seeking a bride from India

These days, divorce has become quite common in many countries, including India. Most countries in the world grant a divorce, without forcing unwilling partners to stay together in a marriage, or bankrupting the man in the process. If you have kids, you will have visitation rights and overall, you will get a fair trial.

If you are a divorced NRI man looking for an Indian bride, in all likelihood, you are considering a divorced woman as well.

Here are some important dos and don'ts when considering a divorced woman, particularly from India –

- ✚ Do ask questions, particularly about her divorce. Do not feel embarrassed about disclosing details of your previous relationship and solicit the same from her. The most important question is: “how did the marriage end and what happened during the process?”
- ✚ Do ask the direct question – “have you ever filed any criminal complaint (498a, DV act) against your former husband?” Ask the question at the most unexpected time and place and gauge her and her family's reaction. Instant reaction to such a question would most likely give you a hint, if they are hiding something.
- ✚ Do make extensive inquiries regarding any false police cases she filed earlier. It may be possible to use RTI to elicit this information from local police jurisdictions. Do perform a search on the internet with her name, her family name and her address. Victims of false 498a cases are increasingly turning to the Internet for support and to publicize their stories. If she filed a 498a case in the past and extorted money from her former spouse and his family, her name will most likely appear in some website or other databases on the internet. Please know that, she is most likely going to do the same thing against you.
- ✚ Do not ever consider a woman for marriage, who has previously filed an IPC 498a or a DV act case against her former husband and his family, no matter how qualified, beautiful and smart she may appear; or no matter what reasons she may give for the same. Remember, the image of honest, innocent, old, sick and infirm parents, in their twilight years, arrested and dragged down to the police stations on the mere oral complaint of an arrogant daughter-in-law. If she perpetrated this CRIME in her life earlier, she doesn't deserve to be anybody's wife.
- ✚ Don't accept a woman with children, unless you know the full truth about the father of the children. Depriving contact between the biological parent and the child is morally sinful. Do not willingly become party to it. If it can be conclusively proved that the biological father has truly abandoned the child; then you can marry the woman, adopt the child and provide devoted parenting to that child. But, be sure that the woman you meet is not illegitimately depriving the biological father of his parental rights and responsibilities on the child. Unless you know the full truth about the child, you are setting yourself up for serious problems in your later life.

What if you are stuck in such a situation?

Every NRI man has the right to lead his married life with dignity, freedom, care and support by his spouse, without abuse, violence (emotional, mental or physical), and blackmail. Acts of domestic violence on the part of either spouse are illegal in most countries and against which the local police of every country can be approached for immediate protection and help.

- Some women, who are knowledgeable about getting immigration benefits based on battered woman considerations, will try to make use of those provisions, by falsely accusing you of domestic violence. Always be vigilant. In most western countries, you can complain to the police if your wife is abusive towards you. At the first sign of such temper tantrums from your wife, or if she threatens to harm herself or kill herself, in order to blackmail you, report the matter to the police. You can even get a restraining order against your wife. Once you take these precautions, she will find it very difficult to prove that she is a battered woman and is eligible to protections under the law later. If you can prove she is making false claims, there is a good chance she would be prosecuted as a perjurer and deported.
- Do not rush into having a child. Spend at-least two to three years strengthening your marriage before considering having a child. Make sure you take your adopted country's Passport for the child and keep control of the passport at all times.
- If your wife abandons you and takes your children away, you can file a criminal complaint of child abduction. Both parents have equal rights under law towards access to the children of marriage. Removal of the child from its habitual place of residence is recognized by many countries as an international crime.
- You can also get an injunction from the court preventing her from taking the children out of the country, by placing an alert at the ports of exit from the country. Child abduction is an international crime and you should explore all your legal options in the case of child abduction or attempts at child abduction. Prevention is always better than cure.
- Avoid physical confrontation, no matter what the provocation. If she turns violent and is intent on harming you or herself physically, call the police immediately. Often, a man is discouraged by societal conditioning from seeking help. All the signals from the society push him to deal with the situation "as a Man". Not so. If you are the victim of domestic violence, seek help immediately. In many such cases, chances are – she herself will eventually play the "Domestic Violence" card against you, landing you in the prison. .

Gender-biased Indian Laws and Judgments

Refer to the appendix A for a list of highly biased Indian Laws and judgments that will destroy any semblance of self-respect a man may possess besides financially and emotionally bankrupting him. Most civilized countries of the world have moved away from gender-biased laws to gender-neutral laws. Contrary to this trend, India is continuing to formulate legislation, under pressure from radical feminists, further violating men's civil and human rights.

After you have migrated from India to a foreign country, it is in your and your family's interest to make efforts to be free from the jurisdiction of these draconian, anti-human rights, biased and archaic laws. If it is not practicable to sidestep the jurisdiction of Indian courts and Indian police in the matrimonial matters, it is in your interest to become fully familiar with these laws and be prepared to defend your interests in the event of any marital discord.

Final word

Please understand that it is not all doom and gloom in the case of every NRI marriage to an Indian bride. There are many success stories of happy families consisting of NRI men and Indian women. Taking precautions mentioned in this booklet before finalizing the marriage proposal with your Indian bride, will help in preventing many possible marital mishaps in the future. As an NRI, you often present a soft and tempting target for unscrupulous elements in the Indian society that are out there to extort your hard earned money and destroy your reputation in the society. Once you are armed with the necessary information, should any unfavorable situation arise, you will be mentally prepared to deal with it.

Best of luck in your pursuit of a life partner!

This booklet has been prepared in response to the Booklet issued by the Ministry of External Affairs (MOIA) which unashamedly blames ONLY NRI husbands for all failed NRI marriages.

Additionally, proposals have been made to which are severely biased against NRI husbands. It is interesting to note that all the proposals deal with punishing NRI husbands and grooms explicitly. There is no punishment for brides (NRI or otherwise) for the same offenses which are put under "criminal offenses" for grooms. MOIA in liaison with the National Commission for Women (NCW) seems to be committed to pursuing the agenda of radical feminists, where all men are considered as criminals, by default.

Protect yourself from being victimized. Know the facts before you get married.

Visit www.498a.org/nrimarriages.htm

www.498a.org

Appendix A

Gender-biased Indian Laws and Judgments:

Below is a list of biased Indian Laws that are meant to destroy any semblance of self-respect a man may possess.

SECTION 498A, Indian Penal Code:

- Cruelty defined: includes physical cruelty and mental cruelty.
- Any married woman can lodge a complaint anywhere she pleases, against husband, extended family of the husband and even friends of the husband
- Immediate incarceration of all the accused without any proof.
- Punishment – one year if convicted, plus several years of harassment under the slow, inefficient police, judicial nexus.

Maintenance Rights of a Woman

- Section 24-25 Hindu Marriage Act 1955: Permanent alimony
- Section 125 Cr PC – criminal offense not to pay alimony
- Quick disposal of case
- No upper ceiling
- The mother and children will get separate maintenance - For this separate application has to be put up before the court

Maintenance during the proceedings of the divorce case:

All of the following are more than adequately addressed in women's favor and against men's interests, in Indian law.

- What if the husband does not respect the court's order
- How does the court decide the amount of maintenance to be granted
- What if the husband claims that he is bankrupt
- Would the wife have maintenance rights if she has remarried

Appendix B

Some Questions Couples Should Ask Before Marrying

1. Have we discussed whether or not to have children, and if the answer is yes, who is going to be the primary care giver?
2. Do we have a clear idea of each other's financial obligations and goals, and do our ideas about spending and saving mesh?
3. Have we discussed our expectations for how the household will be maintained, and are we in agreement on who will manage the chores?
4. Have we fully disclosed our health histories, both physical and mental?
5. Can we comfortably and openly discuss our sexual needs, preferences and fears?
6. Do we truly listen to each other and fairly consider one another's ideas and complaints?
7. Have we reached a clear understanding of each other's spiritual beliefs and needs, and have we discussed when and how our children will be exposed to religious/moral education?
8. Do we like and respect each other's friends?
9. Do we value and respect each other's parents, and is either of us concerned about whether the parents will interfere with the relationship?
10. What does my do family that annoys you?
11. Are there some things that you and I are NOT prepared to give up in the marriage?
12. If one of us were to be offered a career opportunity in a location far from the other's family, are we prepared to move?
13. Does each of us feel fully confident in the other's commitment to the marriage and believe that the bond can survive whatever challenges we may face?