

ABANDONED INDIAN WOMAN

TRAPPED IN NRI MARRIAGE

THE WAY OUT



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Coordinating
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Emergency
Contacts



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Message



Government of India
National Commission for Women
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The issue of “NRI marriages” has gained paramount importance over the years as the problem of Indian women trapped in fraudulent marriages with Non Resident Indians (NRIs) and people of Indian Origin (PIOs) has assumed alarming dimension.

This has necessitated an urgent need to build safeguards to protect these women and make them aware of their legal rights and equip them with the knowledge of laws of the foreign country and the rights they enjoy there, especially against any form of abuse, including domestic violence.

The problem gets further aggravated as women feel isolated being far away from home in an alien land, facing language constraints, communication problem and lack of proper information about the local criminal justice system.

Realizing the gravity of the problem, the National Commission for Women decided to bring about a publication containing various information/ remedial measures which would be useful for a victim of an NRI marriage. This information will not only create awareness among women, who are at the threshold of getting married but provide a great deal of relief to women deserted by their NRI and IPO husbands.

The National Commission for Women has been working tirelessly to help such victimized women, since it was made the nodal agency at the national level to deal with complaints related to NRI marriages. On the recommendation of NCW, MOIA has amended its scheme for providing legal/financial help to women deserted in foreign lands, so as to widen its scope.

I hope that the publication will be useful and informative for the victims of NRI marriages.

Mamta Sharma
Chairperson



Message



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Marriage is a most auspicious occasion which is not only union of two persons but also the families. Often parents in their enthusiasm to send their daughters overseas ignore the basic precautions to be taken in an arranged marriage, and instead of being an idyllic and romantic affair, the marriage ends up being a traumatic ordeal for the girl. Resulting in the innocent girl being abandoned after a brief honeymoon and her husband vanishing.

Since the problem is manifold it is necessary to create awareness, specially in semi urban and rural areas of the risks in entering into foreign matrimonial alliances without proper verification of the antecedents of the NRI groom. On being abandoned, and deserted the hapless wife runs from pillar to post without proper information of the redressal available to her.

The book titled “Abandoned Indian Women Trapped in a NRI Marriage – The Way Out” aims to provide abandoned brides with the available legal remedies and contains information on how to access the legal system, with the aim to reduce the suffering of the woman.

Mrs. Charu WaliKhanna
Member



TRAPPED IN NRI MARRIAGE - THE WAY OUT

Violence against women is undoubtedly a reflection of woman's subordinate position in society. Another manifestation of this unequal power relation which is prevalent specially in the States of Punjab, Gujarat, Kerala among others is desertion of married women by their non-resident Indian (NRI) husbands. Most of these marriages which are solemnised in a hush rush situation, ending up being treated as a Honeymoon marriages and there is barely any commitment on the part of the bridegroom or his family. What motivates these men to marry when they have no intention to honor their marital obligations remains a mystery. It seems that these NRI grooms only marry as a means to appease their parents, who want an Indian bahu for their son despite his living abroad.

The phenomenon of women being abandoned by the bridegroom of Indian origin is not new, earlier also there have been instances of bigamous marriages, entered into by men. The NRI husband tends to hide his marriage to a foreign spouse and on his visit to India, under pressure from his parents marries a girl of their choice, only to abandon her after a brief honeymoon. The task of the man is made easy by the ever obliging parents of the girl who succumb to the temptation of acquiring a foreign groom.

The problem is not only about the woman being abandoned in India but includes demand for dowry, cruelty and forms of harassment; abandonment of the woman on foreign shores, non-consummation of marriage, marriage of convenience, concealment of a pre-existing marriage, ex parte divorce etc.

It is only when it is "too late" that the parents, who have possibly liquidated their assets to help their daughter enter into the so-called marriage wake up and approach the state authorities

The pattern of abandonment of Indian women of NRI/Overseas marriages falls into three types:

- (a) a woman residing with her husband in a foreign country suddenly finds her husband has disappeared leaving her in the lurch;
- (b) a woman residing abroad with her husband is either deceptively and/or coercively taken back to India and left there without her passport, visa, and money and thus without any way of rejoining her husband; and
- (c) a woman married in India and after the marriage her husband migrates to a foreign country, but is not sent sponsorship for a visa to join him.

This informative booklet is an attempt to provide the available legal and other remedies to innocent Indian women trapped in such marriages.

A typical case handled by the NCW NRI Cell



A nineteen old girl from Bareilly, U.P. was married to a thirty three years old NRI bridegroom from Canada.

The marriage took place in Chandigarh after which she went to Jalandhar and stayed there with her husband and in-laws. After exactly 8 days her husband returned to Canada.

For the past six months there is no news from him. She is pregnant, her in-laws have thrown her out of the matrimonial home and she is living with her parents in Bareilly.

WHAT SHOULD SHE DO?

DO YOU KNOW CITIZENSHIP STATUS OF YOUR HUSBAND?

It is important to know the citizenship status of your husband.

The citizenship status of your husband decides the available legal course of action against him, in case you have been abandoned or deserted.

HE IS AN INDIAN CITIZEN even if he is NRI

• **NRI** – The following are the main three categories of NRIs who have migrated to another country :-

(i) Indian citizens who stay abroad for employment or for carrying on a business or Vocation or any other purpose in circumstances indicating an indefinite period of stay abroad.

(ii) Indian citizens working abroad on assignment with foreign government agencies like United Nations Organisation (UNO), including its affiliates, International Monetary Fund (IMF), World Bank etc.

(iii) Officials of Central and State Government and Public Sector undertaking deputed abroad on temporary assignments or posted to their offices, including Indian diplomat missions, abroad.



HE IS A PERMANENT RESIDENT OF ANOTHER COUNTRY

Sample Passport of Indian Citizen



Sample Sticker of Residence Visa Pasted on Passport of Indian Citizen



• **PERMANENT RESIDENT** - Permanent residency refers to a person's visa status: the person is allowed to reside indefinitely within a country of which he or she is not a citizen.

Some horror stories

- * Bride deserted after brief honeymoon
- * Bride deserted in foreign country without any support or a valid visa;
- * Bride physically and mentally tortured in the foreign country and either forced to flee or forcibly sent back;
- * Bride reaches foreign shores and realizes that her husband is already married;
- * Bride's survival in foreign country made dependant on continuous payment of dowry;
- * Bride denied maintenance in India on the basis of foreign decree of divorce;
- * Bride shocked to see ex-parte decree of divorce obtained against her;
- * Bride initiated criminal proceedings only to realize that attendance of her husband cannot be procured by Indian courts;
- * Bride realizing that her consent to marry has been obtained using unfair means like false information of immigration status, job etc.
- * Bride who approaches the court, encounters numerous technical obstacles relating to jurisdiction, service of summons, execution of orders etc.

WHAT SHOULD SHE DO?

Sample Passport of Foreign Citizen

HE IS A FOREIGN CITIZEN when he is:

- **Person of Indian Origin (PIO)** is not a citizen of India. For the purposes of issuing a PIO Card, the Indian government considers anyone of Indian origin up to four generations removed to be a PIO. Spouses of people entitled to a PIO card in their own right can also carry PIO cards. This latter category includes foreign spouses of Indian nationals, regardless of ethnic origin. PIO Cards exempt holders from many restrictions applying to foreign nationals, such as visa and work permit requirements, along with certain other economic limitations.

- **Foreign national** - An individual who is a citizen of any country other than India.

- * People who are granted permanent residency in a country are usually issued some sort of documentary evidence as legal proof of this status. In the past, many countries merely stamped the person's passport indicating that the holder was admitted as a permanent resident or that he/she was exempt from immigration control and permitted to work without restriction. Other countries would issue a photo ID card, place a visa sticker or certificate of residence in the person's passport, or issue a letter to confirm their permanent resident status.

CHECK HUSBAND'S PASSPORT FOR FOLLOWING

- * In Australia and New Zealand, a printout of permanent residence visa or resident visa is stuck to a page of the permanent resident's passport.

- * In Canada, permanent residents are issued a photo ID card known as PR Card or Maple Leaf Card.

- * In the United States, permanent residents are issued a photo ID card - officially known as a Permanent Resident Card, but unofficially referred to as a "green card".

- * In the United Kingdom, an Indefinite Leave to Remain sticker is on applicant's passport.

Q. IF I AM MARRIED TO NRI HOW DO I GO OVERSEAS WITH HIM AFTER MARRIAGE?

YOU NEED A SPOUSAL or Marriage VISA which are :

- * Spousal visa or Partner visa, granted to the spouse, civil partner or de facto partner of a resident or citizen of a given country, in order to enable the couple to settle in that country.

- * Marriage visa, granted for a limited period prior to intend marriage or civil partnership based on a proven relationship with a citizen of the destination country. For example, an Indian woman who wishes to marry an American man would obtain a Fiancé Visa (also known as a K-1 visa) to allow her to enter the United States. A K1 Fiancé Visa is valid for four months from the date of its approval.



QUESTION FROM PROSPECTIVE BRIDE

A girl is getting married to NRI from Australia. The marriage will take place in a Gurdwara, which will issue a certificate. Is it enough?



NO. Certificate of Arya Samaj temple or Gurdwara is not sufficient. She should get your marriage registered. In fact in some states in India registration of marriages is compulsory. In case the marriage has not been registered then she can presume that her husband has no intention to take her overseas because spouse or marriage visa can only be issued on producing Certificate of Registration of Marriage.



CRIMINAL PROCEEDING

You can take recourse to criminal proceedings, in other words you can file a case against him under the relevant provisions of the law and the state will prosecute on your behalf.

Q. WHAT IS SECTION 498A IPC?

Ans. Section 498A deals with Husband or relative of husband of a woman subjecting her to cruelty: and is punishable with imprisonment for a term which may extend to three years and shall also be liable to fine.

Q. HOW CAN I INITIATE CRIMINAL PROCEEDINGS AGAINST MY HUSBAND?

Ans. Lodge a Criminal Complaint/FIR in the concerned police station having territorial jurisdiction under Section 154(1) Cr.P.C.

Q. WHAT IF THE POLICE REFUSE TO REGISTER FIR?

Ans. Make. Written representation to the SP under Section 154 (3) Cr.P.C.

If the Police refuses to lodge the complaint, then you can forward the complaint to the

Superintendent of Police of the concerned District who if satisfied that the information discloses the commission of a cognizable offence, shall either investigate the case himself or direct an investigation to be made by any police officer subordinate to him.

Q. WHAT IF THE HE ALSO REFUSES TO TAKE ACTION? WHAT SHOULD I DO?

Ans. File Criminal Complaint filed before the Magistrate under Section 156(3) Cr.P.C:

Any Magistrate empowered under section 190 may order such an investigation on the basis of a criminal complaint filed by the aggrieved wife.

All offences committed by the husband outside India would be deemed to have been committed within the territory of India by virtue of Section 188 of the Cr.P.C.

Many women when they are thrown out of their matrimonial home seek refuge in their parents house, which may be in a different city. Being distressed the woman is unable to file a complaint, her first reaction is to escape the torture and find solace in the loving environment of her natal home.

Has your husband has abandoned you in India after a brief honeymoon and are staying with your in laws?

Are they harassing you for dowry and will send you abroad only on the condition of your parents meeting their demand for dowry?

WHAT SHOULD YOU DO?

a. Immediately file a complaint with the police for Dowry harassment.

b. The complaint will be registered as FIR under Section 498A IPC.

A girl was married in Baroda where her parents reside. After marriage she went to live with her

husband and in laws in Ahmedabad. But on being thrown out of the house she returned to her parents in Baroda. Where should she file the

complaint? The demand for dowry has been made in Ahmedabad, the harassment has taken place in Ahmedabad. The complaint must be filed with police in Ahmedabad.

However, if it can be proved that it is a continuous offence , ie. She can prove that when she returned to her parents house in Baroda, the demand of dowry continued and her in-laws even threatened her and her parents in Baroda.

*In that case the complaint can be filed in **Baroda in the local police station.***

I have filed a complaint under section 498A IPC but now my in-laws have thrown me out of the house. I have no place to go since my parents live in Agra.

WHAT SHOULD I DO?

You can file an application under the Protection of Women from Domestic Violence Act 2005 and Court will grant ORDER OF RESIDENCE, besides other orders.

(Refer to NCW Book On Protection of Women Against Domestic Violence).

By virtue of Section 27 of the Protection of Women from Domestic Violence Act 2005 an aggrieved person or a Protection Officer or any other person on behalf of the aggrieved person may present an application to the Judicial Magistrate First Class seeking reliefs under the Act, within the local limits of which

- (a) the person aggrieved permanently or temporarily resides or carries on business or is employed; or*
- (b) the respondent resides or carries on business or is employed; or*
- (c) the cause of action has arisen, shall be the competent court to grant a protection order and other orders under this Act and to try offences under this Act.*



Q. Is a Complaint under Section 498A IPC maintainable even in parental place of the wife?

YES. The Supreme Court of India in the case of *SUNITA KUMARI KASHYAP versus STATE OF BIHAR & ANOTHER* {Criminal Appeal No. 917 of 2011 (Arising out of S.L.P. (CrI.) No. 8078 of 2010) with Criminal Appeal No. 918 of 2011 (Arising out of S.L.P. (CrI.) No. 8079 of 2010)} held that in view of the specific assertion by



the appellant wife about the ill-treatment and cruelty at the hands of the husband and his relatives at Ranchi and of the fact that because of their action, she was taken to her parental home at Gaya by her husband with a threat of dire consequences for not fulfilling their demand of dowry. The Supreme Court was of the opinion that in view of Sections 178 and 179 of the CrPC, the offence was a continuing one having been committed in more local areas and one of the local areas being Gaya, the learned Magistrate at Gaya has jurisdiction to proceed with the criminal case instituted therein. In other words, the offence was a continuing one and the episode at Gaya was only a consequence of continuing offence of harassment of ill-treatment meted out to the complainant, clause (c) of Section 178 is attracted. Further, from the allegations in the complaint, it appeared that it is a continuing offence of ill-treatment and humiliation meted out to the appellant by all the accused persons and in such continuing offence, on some occasion all had taken part and on other occasion one of the accused, namely, husband had taken part, therefore, undoubtedly clause (c) of Section 178 of the Code is clearly attracted.

A person, who deserts a wife or child leaving her or it or both of them helpless in any particular district and goes to a distant place or even to a foreign country, but returns to that district or a neighbouring one on a casual or a flying visit. The wife can take advantage of his visit and file a petition in the district where he is, during his stay.

Infact the Court taking a proactive stand in favour of women went even further and said that, if the husband who deserts his wife, has no permanent residence, but is always on the move, the wife can even catch him at a convenient place and file a petition under Section 488 of the Code or she may accidentally meet him in a place where he happens to come by coincidence and take action against him before he leaves the said place.

Q. My husband is not attending pending criminal proceedings in India / Court has issued warrant for the arrest against my husband who is INDIAN CITIZEN.

WHAT SHOULD I DO?

MOVE APPLICATION FOR IMPOUNDING OF HIS PASSPORT.

Section 10 of the Passport Act 1967 governs impounding and revocation of passport. An application can be made to the concerned Passport Authority for such impounding or revocation in form of a simple request as no prescribed proforma is given under the Act. Relevant part of Subsection (3) states that the passport may be revoked if:

(d) the holder of the passport or travel document has, at any time after the issue of the passport or travel document, been convicted by a court in India for any offence involving moral turpitude and sentenced in respect thereof to imprisonment for not less than two years; or

(e) if proceedings in respect of an offence alleged to have been committed by the holder of the passport or travel document are pending before a criminal court in India.

(h) if it is brought to the notice of the passport authority that a warrant or summons for the appearance, or a warrant for the arrest, of the holder of the passport or travel document has been issued by a court under any law for the time being in force or if an order prohibiting the

departure from India of the holder of the passport or other travel document has been made by any such court and the passport authority is satisfied that a warrant or summons has been so issued or an order has been so made.

MOVE APPLICATION FOR CANCELLATION OF HIS VISA:

In the event of a deserted wife whose husband has returned back to a foreign country; in addition to applying for revocation/impounding of his passport, it is open to the wife to apply for cancellation/denial of visa to her errant husband on any of the following grounds to the authority or embassy who has granted such Visa and it will be the prerogative of such authority or embassy to decide such application.

A visa may be denied or cancelled for a number of reasons, some of which being that the applicant:

- * has a criminal record or has criminal charges pending
- * is considered to be a security risk
- * does not have a good moral character

DON'T MARRY IN HASTE



IMPORTANT

Parameters for carrying out verifications on the NRI groom's personal information particulars:

- *Marital status: if he is single, divorced, separated*
- *Employment details: qualification and post, salary, address of office, employer and their credentials*
- *Immigration status, type of visa, eligibility to take spouse to the other country*
 - *Financial status*
 - *Properties said to be owned by him in India, residence address*
- *Criminal antecedents, if any*
- *Family background*

IMPORTANT DOCUMENTS

to be checked for pre marital verification:

- *Visa, passport*
- *Voter or alien registration card*
- *Social security number*
- *Tax returns for the last 3 years*
- *Bank account papers*
 - *Property papers*
- *Equip the woman with knowledge of the laws of the foreign country*

Q. The Court has convicted my husband under Section 498A IPC.

WHAT CAN I DO FOR HIS EXTRADITION?

Extradition is the official process whereby one nation or state surrenders a suspected or convicted criminal to another nation or state. Between nation states, extradition is regulated by treaties.



In India the extradition of a fugitive from India to a foreign country or vice-versa is governed by the provisions of Indian Extradition Act, 1962. The basis of extradition could be a treaty between India and a foreign country. Under section 3 of this Act, a notification could be issued by the Government of India extending the provisions of the Act to the country/countries notified. Under the arrangement of extradition, a NRI bridegroom who has fled India to his foreign domicile after committing any of the offences can be traced and a request for his extradition can be made through diplomatic channels.

Information regarding the fugitive criminals wanted in foreign countries is received directly from the concerned country or through the General Secretariat of the ICPO-Interpol in the form of red notices. The Interpol Wing of the Central Bureau of Investigation immediately passes it on to the concerned police organizations. The red notices received from the General Secretariat are circulated to all the State Police authorities and immigration authorities.

The question arises that what action, if any, can be taken by the Police on receipt of information regarding a fugitive criminal wanted in a foreign country. In this connection the following provisions of law are relevant:



- Action can be taken under the Indian Extradition Act Article No. 34 (b) of 1962. This act provides procedure for the arrest and extradition of fugitive criminals under certain conditions which includes receipt of the request through diplomatic channels ONLY and under the warrant issued by a Magistrate having a competent jurisdiction.
- Action can also be taken under the provisions of Section 41 (1) (g) of the Cr.P.C., 1973 which authorizes the police to arrest a fugitive criminal without a warrant, however, they must immediately refer the matter to Interpol Wing for onward transmission to the Government of India for taking a decision on extradition or otherwise.

Q. What are Look out Circulars (LOC) and Red Corner Notices (RCN) and how they can be helpful in arresting my NRI husband?

LOOK OUT CIRCULAR (LOC)

Look Out Circular (LOC) is a circular letter used by authorities to check whether a traveling person is wanted by the police. It may be used at immigration checks at international borders (like International airports or sea ports). In India, LOC has a given proforma which have identification parameters of criminals and help police to catch absconding criminals and stopping them from crossing borders.

The LOCs are opened to trace the absconding criminals and also to prevent and monitor effectively the entry or exit of persons who may be required by law enforcement authorities.

The basic substantive guidelines regarding the publication of the LOCs in relation to Indian citizens issued by the Ministry of Home Affairs (MHA) enunciate the following four cardinal principles:

1. The request for opening of LOC is required to be made to all immigration Check posts in the country in

the Official Format prescribed by the MHA.

2. The request for opening of LOC must invariably be issued with the approval of an officer not below the rank of Deputy Secretary to the Government of India/Joint secretary in the State Government/ Superintendent of Police concerned at the district level.
3. The originating agency must ensure that complete identifying personal particulars of the person, in respect of whom the LOC is to be opened, are clearly mentioned in the prescribed proforma. The LOC will not be opened for less than three identity parameters other than name of the subject.
4. An LOC is valid for a period of one year. However, in case the originating agency wants to extend the validity beyond one year it can ask for the extension before the expiry of the one year period. If no request is made for the extension of the LOC within the stipulated period of one year, the Immigration Officer concerned is authorized to suspend the LOC.



RED CORNER NOTICE

Red Corner Notice is a Request for (provisional) arrest of wanted persons, with a view to extradition. An Interpol Red Notice is "the closest instrument to an international arrest warrant in use today." (Interpol does not have the authority to issue arrest warrants in the formal sense of the word, as this is the domain of the sovereign member states). A request for issuance of such a notice has to be made to the Interpol through diplomatic channels.

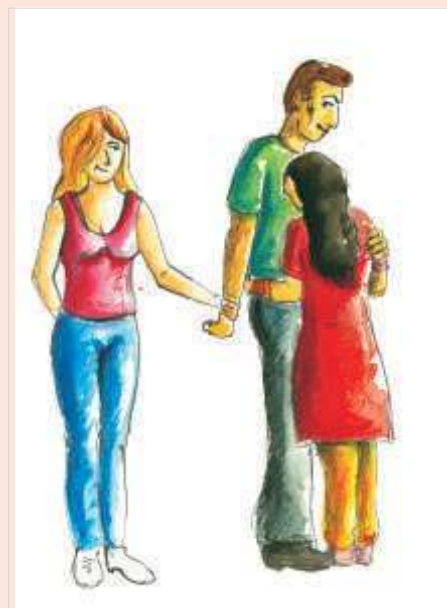


An Interpol notice or international notice is issued by Interpol to share information between its members. There are seven types, six of which are known by their colour codes:

- Red
- Blue
- Green
- Yellow
- Black
- Orange.

Q. My Husband played fraud on me. While he was living with a woman in Australia yet he married me. My case is pending in the Ernakulam court but since my husband is in Australia how will the court summon him?

Government of India, Ministry of Home Affairs (MHA) has issued Comprehensive guidelines regarding service of summons/notices/Judicial process on the persons residing abroad. **IMPORTANT** : The wife/aggrieved party who approaches the court of competent jurisdiction is not required to take/initiate any steps towards service of summons as the same is the prerogative of the concerned Court.



The summons/warrants/judicial processes received by Ministry of Home Affairs are forwarded to the concerned Indian Missions/Embassies which in turn, take up the matter with the designated authority in that country.

In the case of an NRI/foreigner husband, the Court may effectuate summons on his parental/ancestral house in India through its officer. Summons by post is also a mode of service on the husband/accused if he resides outside India.

Section 105 Cr.P.C. provides for reciprocal arrangements to be made by Central Government with the foreign governments with regard to the service of summons / warrants/ judicial processes. Ministry of Home Affairs has entered into Mutual Legal Assistance Treaty/Arrangements with 25 countries. In respect of other countries, the Ministry attempts to serve the judicial papers by giving an assurance of reciprocity. India has entered into Mutual Legal Assistance Treaties with the U.S.A, Canada and the United Kingdom.

Similarly, the summons issued by the Foreign Courts/Authorities and received in Ministry of Home Affairs will be served by the State Police through CBI-Interpol. The request for service of summons received from foreign countries with which there is reciprocal arrangements, are forwarded to the concerned Courts in India at the level of Joint Secretary & Government Counsel. Similarly, the summons issued by the Indian Courts for service on the persons residing in foreign countries, are forwarded to the Indian Embassy/Commission of that country at the level of Joint Secretary and Government Counsel.

**Q. My husband is not responding to the summons being sent by the Ernakulam court and I am suffering since he is not appearing for last three years.
WHAT WILL THE COURT DO NOW?**

The Court can issue Warrants and also declare your husband a Proclaimed offender.

ISSUANCE OF WARRANTS

Sections 70 to 79 of the Criminal Procedure Code pertain to issuance of warrants by the criminal court. A Warrant may also be issued by the Court in lieu of and in addition to summons where the Court has reason to believe that the Accused would not obey the summons.

PROCLAIMED ABSCONDER

In the event the warrant is not executed against the accused/husband who resides outside India, the Court is empowered to publish a written proclamation requiring him to appear at a specific place and at a specified time not less than thirty days from the date of publishing such proclamation under Section 82 of the Cr.P.C. The court may also direct attachment of the movable and immovable property of the proclaimed absconder under Section 83 of the Cr.P.C.



Summons/Warrants/Publication of Proclaimed Offender is ordered by the Criminal Court which is seized of the matter.

Q. After returning to Canada my husband emailed my father that he has a Canadian wife and two children from her. Can the emails be used as evidence? What is the evidentiary value of the emails?

YES. THE EMAILS CAN BE USED AS EVIDENCE.

The Indian Evidence Act, 1872 and Information Technology Act, 2000 grants legal recognition to electronic records and evidence submitted in form of electronic records.

In State of Delhi versus Mohd. Afzal & Others, it was held that electronic records are admissible as evidence. If someone challenges the accuracy of a computer evidence or electronic record on the grounds of misuse of system or operating failure or interpolation, then the person challenging it must



prove the same beyond reasonable doubt. The court observed that mere theoretical and general apprehensions cannot make clear evidence defective and inadmissible. This case has well demonstrated the admissibility of electronic evidence in various forms in Indian courts.

The Information Technology Amendment Act, 2008 has recognized various forms of communication devices and defines a “communication device” under section 2 (ha) of the Act “communication device” means cell phones, personal digital assistance or combination of both or any other device used to communicate, send or transmit any text, video, audio or image.

The evidentiary value of electronic records is widely discussed under section 65A and 65B of the Evidence Act, 1872. The sections provide that if the four conditions listed are satisfied any information contained in an electronic record is deemed to be a document and becomes admissible in proceedings without further proof or production of the original, as evidence of any contacts of the original or any facts stated therein, which direct evidence would be admissible.

The four conditions referred to above are:

(1) The computer output containing such information should have

been produced by the computer during the period when the computer was used regularly to store or process information for the purpose of any activities regularly carried on during that period by the person having lawful control over the use of the computer.

(2) During such period, information of the kind contained in the electronic record was regularly fed into the computer in the ordinary course of such activities.

(3) Throughout the material part of such period, the computer must have been operating properly. In case the computer was not properly operating during such period, it must be shown that this did not affect the electronic record or the accuracy of the contents.

(4) The information contained in the electronic record should be such as reproduces or is derived from such information fed into the computer in the ordinary course of such activities



My marriage was finalized through a Matrimonial Bureau who give my parents wrong information and false documents to show my husband is US Citizen.

WHAT SHOULD I DO?

Many marriages are arranged through the internet, matrimonial bureau/agencies etc. In case the matrimonial agent has given you false and misleading information of the bridegroom and on the basis of that false/forged information and documents your parents agreed to finalise your marriage, then you can file a case against the agent and also implead him as party or arraign him as accused in the criminal case



CIVIL REMEDIES

A civil remedy refers to the remedy that a party has to pay to the victim, for a wrong committed by him. A civil remedy is generally separate from a criminal remedy, although in certain situations the civil and criminal remedy may be related. Civil remedies require the cooperation of the victim and are voluntary.

When a person commits a wrong against someone else, it can give rise to both criminal and civil liability. For example, if a person steals something, he has committed an offence under the Indian Penal Code (IPC) and is subject to criminal prosecution. The person from whom he stole something is also entitled to bring a civil suit in order to recover the loss incurred for the stolen item.

Criminal and civil remedies are pursued in different courts. The purpose of a criminal action is to punish the offender/accused. The purpose of a civil action is to get certain types of relief such as maintenance, custody etc. Mostly monetary in nature they may include actual damages, such as loss of income or relate to compensation for pain and harassment suffered.

Q. My husband has obtained an ex parte decree of divorce. I was not served notice. I am totally uneducated, some paper had come which was in English and not being educated no one paid any attention to it.

WHAT SHOULD I DO?

EX-PARTE DECREE: Ex parte means a legal proceeding brought by one person in the absence of and without representation or notification of other parties. It has been one of the most commonly faced situation in such kind of fraudulent marriages where NRI spouses obtain ex-parte decree from foreign courts on unreasonable and fraudulent grounds.

Indian Courts have held the foreign decree of divorce specially the one passed Ex-parte as invalid and unenforceable in India on the basis of Y.Narasimha Rao and Others versus Y.Venkat Lakshmi and Another decided by the Supreme Court of India in 09/07/1991 which holds good even after nineteen years.



Section 13 of the Civil Procedure Code, 1908 mentions the various instances when a foreign judgment not conclusive as under

- (a) where it has not been pronounced by a Court of competent jurisdiction;
- (b) where it has not been given on the merits of the case;
- (c) where it appears on the face of the proceedings to be founded on an incorrect view of international law or a refusal to recognize the law of India in cases in which such law is applicable;
- (d) where the proceedings in which the judgment was obtained are opposed to natural justice;
- (e) where it has been obtained by fraud;
- (f) where it sustains a claim founded on a breach of any law in force in India.



It is open to the wife/aggrieved party against whom an ex-parte decree of divorce is obtained abroad to challenge the same on any of the abovementioned grounds. The challenge can be made to a court of competent jurisdiction.



Q. My husband has obtained the ex Parte decree by the US Court. What legislative safeguards are available with me in India?

In the case of Smt. Neeraja Saraph versus Shri Jayant Saraph, the Supreme Court suggested the need to consider legislation safeguarding the interests of women. It suggested three specific provisions namely,

- 1) No marriage between an NRI and an Indian Woman, which has taken place in India, may be annulled by a foreign court
- 2) Provision may be made for adequate alimony to the wife in the property of the husband both in India and abroad
- 3) The decree granted by Indian courts may be made executable in foreign courts both on the principle of comity and by entering into reciprocal agreements like section 44A of the Civil Procedure Code which makes a foreign decree executable as it would have been a decree passed by the court.



My husband says he married me under parental pressure, only to please his mother, whereas he already has a wife in Canada. He left me after a honeymoon of ten days. I have a six month old baby and I have no news of my husband.

WHAT SHOULD I DO?

There are certain penal provisions also in the Criminal Procedure Code providing for the maintenance of the wife and under Indian Penal Code IPC for punishment for bigamy (Section 494).



Q. What Civil Remedies are available to me under the Law in India?

In India personal laws govern matters related to DIVORCE, MAINTENANCE AND CUSTODY etc, with each religion adhering to its own specific laws. Separate laws govern Hindus, Muslims, Christians, and followers of other religions. The exception to this rule is in the state of Goa, where a Portuguese uniform civil code is in place, in which all religions have a common law regarding marriages, divorces, and adoption.

Personal laws include :-

- **Hindu** (including Sikhs, Jains and Buddists) : Hindu Marriage Act, 1955
- **Muslims** : Dissolution of Muslim Marriages Act, 1939
- **Christians** : Indian Christian Marriage Act 1889, Divorce Act, 1869
- **Parsis** : The Parsi Marriage and Divorce Act, 1936
- **Irrespective of caste or religion** : Special Marriage Act, 1954

(Refer to NCW publication on Marriage)

Q. How can a Decree or Order passed by the Indian Courts be executed against NRI husband?

EXECUTION OF DECREE OR ORDER IN CIVIL PROCEEDINGS

Execution proceedings are initiated in the Court which passes the decree i.e. Family Court or other Civil Court which are vested with powers of attachment of property, arrest etc. in case of non-compliance.

a. Where the parties are Hindus

Section 28A of the Hindu Marriage Act read with Sections 36 to 67, 73, 74 and 135 and Order XXI of the Civil Procedure Code govern the execution of decrees. The important steps are:

- i. Except an application made immediately after a decree is passed, every application for execution shall be made in writing in Form No. 6, Appendix E, and signed and verified.
- ii. As soon as an application for execution is presented, the date of presentation shall be endorsed thereon by the Clerk of the Court or such other Officer as may be appointed by the Court.
- iii. For attachment of movable property, the application must be accompanied by an annexure showing the inventory of the property to be attached and its description.
- iv. For attachment of immovable property, contains sufficient details of the description of the property to enable its identification, and specifies the share or interest of the Husband/judgment-debtor
- v. Where the application is by an heir of the deceased decree-holder a Succession Certificate is required.
- vi. Every application for execution of a decree should be placed before the Judge for orders as soon as possible, and in no case later than five days from its presentation, without the special orders of the Judge.

b. Under the Special Marriage Act

Section 39 A of the Special Marriage Act, 1954 read with Sections 36 to 67, 73, 74 and 135 and Order XXI of the Civil Procedure Code govern the execution of decrees.

*For service of judicial process issued by Indian courts, it is advisable to have fresh notice **valid for at least 6 months** to be executed upon by the Ministry of Home Affairs, Ministry of Law and Justice or by Indian Mission/Posts abroad.*

The steps are similar to the procedure outlined above pertaining to Hindu Marriage Act.

c. Execution of Foreign decrees in India and decrees passed by Indian Courts outside India

The execution by Indian Courts of decrees of Courts outside India and the execution by Courts outside India of decrees of Indian Courts, is possible only if specific provision has been made in that behalf. The ordinary rule is that the Courts of one country do not execute the decrees of the Courts of another and that to enforce a foreign judgment it is necessary to bring a suit.



CUSTODY OF CHILDREN

Q. Can Indian Courts have Jurisdiction to adjudicate custody of children in NRI Family Disputes?

The jurisdictional issue in marital dispute of a NRI family particularly in cases related to custody of a minor child always been a matter of concern. The doctrine of "Comity of Courts" mostly comes as bar for jurisdiction of Indian courts to entertain any petition if the decree or order has already been passed by any foreign court.

The latest judgement of the Supreme Court of India dated 16.05.2011 in the case of Ruchi Majoo vs. Sanjeev Majoo comes as hope for Indian women deserted by their NRI/Overseas spouse, fighting a legal battle in India. The

Supreme Court ruled that Indian courts have jurisdiction to deal with custodial disputes of minor children even if a foreign court has passed an order in favour of either of the parents. A bench of justices V S Sirpurkar and T S

Thakur said in a judgement that simply because a foreign court has taken a particular view on any aspect concerning the welfare of the minor is not enough for the courts in this country to shut out an independent consideration of the matter. Objectivity, and not abject surrender, is the mantra in such cases. The apex court passed the judgement while upholding an appeal filed by Ruchi Majoo challenging a Delhi High Court judgement that Indian courts have no jurisdiction under the doctrine of "comity of courts" to entertain any petition if a decree or order has already been passed by any foreign court.

A superior court in California had issued a red corner notice against Ruchi in a suit filed by her estranged US-based husband Sanjeev Majoo who had alleged his wife had fled with their minor son to India despite a decree by the US court granting him custody of the child.

The couple were living with the kid in the US before she returned to India in 2008. A Delhi



IN THE UNITED STATES if you or someone you know is a victim of domestic of child abuse, please know that immediate help and support is available. Domestic violence is against the law and therefore a reportable incident in the US.

In the United States and Canada, dialing 911 on your telephone is the fastest way you can get help for yourself or someone else. With those three numbers, you can reach the fire department, the police, or an ambulance. When you call 911, an emergency operator immediately connects you to the person you need.

NATIONAL DOMESTIC VIOLENCE HOTLINE

Phone: 1-800-799-SAFE (7233) Website: www.thehotline.org/

Staffed 24 hours every day by trained counselors who can provide crisis assistance and information about shelters, legal advocacy, health care centers and counseling.

(Multi-Lingual Resources Include Hindi, Punjabi, Bangla, Gujarati, Urdu, Telugu, Tamil, Nepali):

- **Manavi** (NJ- based) (732) 435-1414 or <http://www.manavi.org/index.php>
- **New York Asian Women's Center** (based in NYC but works with people anywhere in US) Multi- Lingual Hotline: 1-888-888-7702 or www.nyawc.org/index.html
- **Asian Task Force Against Domestic Violence (Boston/ New England area)** Multi-Lingual Hotline: (617) 338-2355 or www.atask.org/site/our-programs/multilingual-helpline.html
- **Saheli (Boston/New England area)** Hotline: 1-866-4SAHELI or www.saheliboston.org/
- **Maitri** (based in San Jose, California, serving Alameda, Santa Clara and San Mateo Counties, but will talk with people anywhere in US: **also take calls from India**) Multi-Lingual Hotline: 1-888-MAITRI or www.maitri.org/

court had on Ruchi's application granted her custody of the child under the Guardians and Wards Act.

The Delhi High Court had, however, struck down the trial court's order and asked the couple to submit themselves to the Californian court as all the three possessed US citizenship.

Aggrieved, the wife appealed in the apex court where she accused her husband of being involved in pornography and adulterous relationship. The husband, while denying the allegations, maintained that Indian courts had no jurisdiction since a decree had already been passed by the Californian court.

Rejecting the husband's arguments, the apex court said "recognition of decrees and orders passed by foreign courts remains an eternal dilemma in as much as whenever called upon to do so, courts in this country are bound to determine the validity of such decrees and orders keeping in view the provisions of Section 13 of the Code of Criminal Procedure 1908 as amended by the Amendment Act of 1999 and 2002.

The duty of a court exercising its *Parans Patraie* (legal guardian) jurisdiction as in cases involving custody of minor children is all the more onerous. Welfare of the minor in such cases being the paramount consideration, the court has to approach the issue regarding the validity and enforcement of a foreign decree or order carefully. It does not, however, mean that the order passed by a foreign court need not be considered by Indian courts. But it is one thing to consider the foreign judgement to be conclusive and another to treat it as a factor or consideration that would go into the making of a final decision.

The apex court reiterated that in matters dealing with custodial rights, the interest of the minor should be paramount. The bench said the interest of the minor shall be better served if he continued in the custody of his mother, especially when the father has contracted a second marriage and did not appear to be keen for having actual custody of the minor. The apex court, however, minced no words in expressing displeasure at the conduct of the wife and her parents in poisoning the mind of the kid against their father.

The judgment of Supreme Court of India dated 16.05.2011 in the case of Ruchi Majoo vs. Sanjeev Majoo (detail judgment enclosed) holding that civil courts in India are fully competent to adjudicate such matters is a far-reaching influence to decide the cases of the custody of minor children in inter-continental marital disputes, particularly those related to Indian women married to NRIs/PIO husbands.



VISITATION RIGHTS

My husband has taken away my son to Canada and deserted me. How can the court in India give me visitation rights?

A new facility is available in India, within the safe premises of Tis hazari Courts, Delhi wherein on the Order of the Court a parent (you) can interact /talk/meet your child in India or vice versa through video conferencing .

MOIA's Scheme for giving legal / financial assistance to Indian women deserted by their overseas Indian / foreigner husbands(revised w.e.f 30th November 2011)

Q. I am deserted by my husband in USA and he has initiated Divorce Proceedings and Child custody case in the US Courts. I am not financially able to contest those proceedings. Is any help for me?

There is a Ministry of Overseas Indian Scheme for providing legal/financial help to the deserted Indian women deserted by their overseas Indian/PIO/foreigner husbands in foreign lands. On the suggestions forwarded by NCW to widen its scope, MOIA has revised its Scheme w.e.f 30th Nov 2011. Under this Scheme the counselling and legal services are provided through credible Indian Women's Organizations/Indian Community Associations and NGOs identified for providing such services and empanelled with Indian Missions in the USA, the UK, Canada, Australia, New Zealand, Malaysia and the Gulf countries.

The details of Scheme and list of empanelled NGOs/ Indian Women's Organizations/Indian Community Associations with different Missions are given for your reference.

I. Objective:

The objective of the scheme is to provide some financial assistance to needy Indian women in distress who have been deserted by their overseas Indian /foreigner husbands for obtaining counseling and legal services. "Desertion" in the context of eligibility for providing financial assistance under the MOIA's Scheme would mean the voluntary abandonment of the wife by her husband. Also, if the husband - by his words- compels the wife to leave the matrimonial home or stay away without reasonable cause, he will be guilty of desertion, though the wife has seemingly separated from him. Desertion is frequently coupled with non-support, which is a failure to provide monetary resources for those to whom such an obligation is due. The term "Overseas Indian" would include Non-Resident Indians (NRIs) and Persons of Indian



Origin (PIOs). The counseling and legal services would be provided through credible Indian Women's Organizations/Indian Community Associations/NGOs identified for providing such services and empanelled with the Indian Missions in the USA, UK, Canada, Australia, New Zealand, Malaysia and the Gulf countries. The Scheme is a welfare measure to support Indian women in distress through the mobilization of the local Indian community in the endeavor and with some financial assistance from the Government.

II. Scope of and Eligibility for the Scheme:

The scheme would be available to Indian women who have been deserted by their overseas Indian / foreigner husbands or are facing divorce proceedings in a foreign country, subject to the following conditions:-

- (i) The woman is an Indian passport holder.
- (ii) The marriage of the woman has been solemnized in India or overseas with an overseas Indian or a foreigner.
- (iii) The woman is deserted in India or overseas within fifteen years of the marriage;
- or
- (iv) Divorce proceedings are initiated within fifteen years of the marriage by her overseas Indian / foreigner husband.
- or
- (v) An ex-parte divorce has been obtained by the overseas Indian /foreigner husband within twenty years of marriage and a case for maintenance and alimony is to be filed by her.

- (vi) The scheme would not be available to a woman having a criminal case decided against her, provided that a criminal charge of Parental Child Abduction shall not be a bar if the custody of the child has not yet been adjudicated upon. "Parental Child Abduction" for this purpose will be defined as the unauthorized custody by the mother, without the other parent's agreement and contrary to family law ruling, which largely removes the child from care, access and contact of the other parent and family side and shall be deemed to be Parental Child Abduction. International child abduction occurs when a parent, relative or acquaintance of a child leaves the country with the child or children in violation of a custody decree or visitation order. Another related situation is retention of children when they are supposedly taken on vacation to a foreign country and are not returned." A criminal charge of Parental Child Abduction, in the context of this Scheme, would mean the framing of charge against the mother by the police authorities consequent on lodging FIR or its equivalent.
- (vii) The domicile of the Indian woman seeking relief under the Scheme is not relevant for allowing the benefit. The woman may be domiciled in the country of her overseas Indian / foreigner husband or in India at the time of making the application.
- (viii) Preference will be given to applicants on the basis of financial need.
- (ix) Assistance will be provided to meet the legal and other costs, by the Heads of Indian Missions/Posts overseas directly to the applicant's legal counsel empanelled with the concerned Indian Mission/Post, or through the Indian Community Associations /Women's organizations / NGOs* acting on the woman's behalf in an overseas legal institution.
- (x) The assistance will be limited to US\$ 3000 per case for developed countries and US\$ 2000 per case for developing countries and will be released to the empanelled legal counsel of the applicant or Indian Community Association / Women's organization / NGO concerned to enable it to take steps to assist the woman in documentation and preparatory work for filing the case.
- (xi) The Indian Women's Organizations / Indian Community Associations / NGOs will make efforts to enlist community advocates, preferably women advocates, to extend further legal assistance / appearance in court etc on a pro-bono basis.



Note: *NGOs would also include local NGOs that are empanelled with the Indian Missions/Posts abroad.

Q. My husband has filed child abduction charges against me in US Courts. Can the assistance under MOIA Scheme for deserted women be provided to me?

YES.

As the MOIA's Scheme for giving legal / financial assistance to Indian women deserted by their overseas Indian / foreigner husbands has been revised w.e.f 30th November 2011. Under the revised Scheme the scheme would not be available to a woman having a criminal case decided against her, provided that a criminal charge of Parental Child Abduction shall not be a bar if the custody of the child has not yet been adjudicated upon.

"Parental Child Abduction" for this purpose will be defined as the unauthorized custody by the mother, without the other parent's agreement and contrary to family law ruling, which largely removes the child from care, access and contact of the other parent and family side and shall be deemed to be Parental Child Abduction. International child abduction occurs when a parent, relative or acquaintance of a child leaves the country with the child or children in violation of a custody decree or visitation order. Another related situation is retention of children when they are supposedly taken on vacation to a foreign country and are not returned. A criminal charge of Parental Child Abduction, in the context of this Scheme, would mean the framing of charge against the mother by the police authorities consequent on lodging FIR or its equivalent.

List of Indian Women's Organizations / Indian Community Associations /NGOs Empanelled with the Indian Missions / Posts Abroad to Provide Legal / Financial Assistance to Indian Women Deserted by their overseas spouses.

USA

Embassy of India Washington DC, USA

ASHA (Asian Women's Self –help Association) ,
Post Box 2084, Rockville, MD 20847-2084
Email: asha@ashaforwomen.org

Consulate General of India San Francisco, USA

(i) **MAIRI**
234 , East Gish Road, Suite 200,
San Jose, CA 95112
Email: anu@worldwideibs.com

(ii) **NARIKA**
Post Box NO. 14014, Berkeley, CA 94714
Email: narika@narika.org

(iii) **Seva Legal Aid**
37053 Cherry Street # 207
Newark, CA 94560
Email: anu@worldwideibs.com

Consulate General of India, New York, USA

(i) **SAKHI**
New York
Email: contactus@sakhi.org

(ii) **AWAKE**
(Asian Women's Alliance for Kinship and Equality)

(iii) **MANAVI**
New Jersey
Email: manavi@manavi.org

(iv) **SEWAA (Service and Education for women against abuse)**
Philadelphia
Email: sewaa@sewaa.net

(v) **International Institute of Buffalo**
Email: iib@iibuff.otg

(vi) **Asian Women's Safety Net**

(vii) **Sneha Inc**
Post Box No. 271650,
West Hartford, CT-06127
Email: sneha@sneha.org

Consulate General of India Chicago, USA
APNA GHAR INC (OUR HOME)
Chicago
Email: info@apnaghar.org

Consulate General of India Houston, USA
Daya Inc.,
5890 Point West Dr, Houston TX 77036
Email: info@dayahouston.org

QATAR

Embassy of India , Doha, Qatar
Indian Community Benevolent Fund (ICBF), Doha, Qatar
Email: benevolent@hotmail.com

AUSTRALIA

High Commission of India, Canberra/ Consulate General of India, Melbourne

(i) **The Indian Welfare & Resources Centre(IWRC), The Welfare Wing of Federation of Indian Association of Victoria, Melbourne.**
Email: anu@worldwideibs.com

(ii) **Federation of Indian Associates of Victoria Inc (FIAV), Melbourne**
Email: operations@fiav.asn.au

(iii) **Federation of Indian Communities of Queensland Inc, (FICQ), Brisbane**
E-mail: surendra1@bigpond.com

Consulate General of India, Sydney, Australia
United Indian Association Inc;
Post Box 575, Strathfield, NSW 2135
Email: austrasia@iprimus.com.au

CANADA

High Commission of India, Ottawa, Canada
(i) **Indian Canada Association**
1301 Prestone Drive, Ottawa, ON K1E , 2Z2
Email: anu@worldwideibs.com

(ii) **Ottawa Community Immigrant Services Organization,**
959 Wellington Street West, Ottawa, ON K1Y 2X5.
E-mail: info@ociso.org

(iii) **National Association of Canadians of Indian Origin, 24 Saint-Paul East, Suite 201. Montreal, QC H2Y 1G3.**
Email: anu@worldwideibs.com

(iv) **AWIC Community & Social Services**
3030 Don Mills Road, Peanut Plaza, Norht York, ON M2J 3C1.
Email: anu@worldwideibs.com

BAHRAIN

Indian Embassy, Bahrain Migrant Workers Protection Society (MWPS)
P.O.Box 5561 Flat no.2, Ground Floor, Building 647, Road 3625, Adliya, Area 326. Kingdom of Bahrain
Tel: +973-17827895 Fax ;+973-17827895

NEW ZEALAND

High Commission of India,
Wellington, New Zealand Shakti Community Council INC, Auckland
Email: scc@shakti.org.nz

UK

High Commission of India, London, U.K
Good Human Foundation , 42 Eaton House, 39-40 Upper Grosvenor Street, London W1K2NG
Email: anu@worldwideibs.com,
mail@goodhumanfoundation.org.uk

NATIONAL COMMISSION FOR WOMEN (NCW)

Someone suggested I approach the NRI Cell in NCW. How can NCW help me?

The National Commission for Woman was nominated as the Coordinating Agency at the National level for dealing with issues pertaining NRI marriages by Government of India vide Ministry of Overseas Indian Affairs Letter F No. OI-19021/3/2006-SS dated 28th April 2009, based on the recommendation of the Parliamentary Committee on Empowerment of Woman (14th Lok Sabha) on the subject "Plight of Indian Woman deserted by NRI husbands" which was discussed and deliberated upon by the Inter Ministerial Committee meeting held on 7th July, 2008.

In furtherance of this, the NRI Cell was formally inaugurated in NCW during the on the 24th of September, 2009 to deal with complaints received from India and abroad resulting from cross country marriages wherein there is any deprivation of women's rights or any issue involving grave injustice to women. Since its inception around 796 cases have been registered till 30th November 2011, in the NRI Cell. 101 cases have been closed so far in the Commission for various reasons

After registering the complaints in NRI Cell of NCW, depending upon its nature following actions are taken on such complaints:

- i) If on consideration of the complaint cognizance of the complaint is taken, notice will be issued to the opposite party/parties calling upon, to furnish their reply on the complaint received by the Commission or summons shall be issued to the opposite party/parties to appear and answer the claim before the Commission on the day to be therein specified.
- ii) Letter may be written to the concerned police station for Action Taken Reports, where any matter is pending investigation or there has been any failure on their part to take appropriate action with regard to the complaint registered.
- iii) Where it is made out that the complaint requires to be forwarded to Indian Embassy abroad, it shall be so done.
- iv) The Ministry of Overseas Indian Affairs, Ministry of External Affairs, Ministry of Home Affairs and the Ministry of Law and Justice may be duly written to, for service of summons, warrants issued or any orders passed, by the appropriate Court of Law and for other relevant matters, whenever and wherever required under intimation to the complainant.
- v) The MOIA or Indian Embassies abroad may be written to for providing legal and financial aid to victim as per scheme of MOIA.
- vi) The Passport Authority may be written to for any matter relating to passports.
- vii) If necessary complaints can be forwarded to the employers of the respondent husband to take necessary action against him.

Contact Details of NRI Cell of NCW

NRI Cell, National Commission for Women,
4, Deen Dayal Upadhyaya Marg, New Delhi -110002
Telephone: +91 - 11 – 23234918/23236154/ 23236988
Fax: +91 - 11 –23236154/ 23236988, E mail: nricell-ncw@nic.in

CRIME AGAINST WOMEN CELLS

The Crimes against Women Cell was set up in 1983 at a central level in the Delhi Police. It was the first police response meant specifically for women in India; and most likely anywhere in the world.

In 1986 separate cells on similar lines were set up in each of the nine districts of Delhi. Most importantly, the central Crimes against Women Cell was provided with enhanced manpower, infrastructure and responsibilities. Counselling of families became an essential part of the functioning of these cells. Although this was informal at first, and resented by many as not a police role, it is now a sanctioned activity with staff being trained for the purpose and receiving support from social workers and recognized nongovernmental agencies.

Investigation of selected cases is taken up by the officers of the Cell, while the progress of other cases registered by them is monitored in the police stations where they are under investigation. The central Cell monitors the functioning of the district cells through periodic evaluations and meetings although these cells are operationally under the control of the supervisors of the districts where they are located. Women complainants have a choice of approaching either the central Cell or one nearer to their homes at the district centres.

CRIME AGAINST WOMEN CELLS AND MAHILA THANAS ARE LOCATED THROUGH OUT INDIA. FIND OUT THE ONE NEAREST TO YOU.

Helpline number: 1091, 100 is a 24 hour helpline that responds to callers in distress.

HELPLINES: EMERGENCY CONTACTS

ABROAD

USA

Indian Embassy

Chancery 2107 Massachusetts Avenue, NW
Washington, DC 20008

Tel.: (202) 939-7000. Fax: (202) 265-4351

Embassy Hours: 930 AM - 600 PM EST

Consular Wing

2536 Massachusetts Avenue,
NW Washington, DC 20008

Fax: (202) 797-4693

Emergency Operator helpline : 911

National Domestic Violence Hotline : 1-800-799-7233

(website : www.thehotline.org)

Staffed 24 hrs by trained counselors who provide crisis assistance. Operators have access to interpretation services covering many Indian languages.

CANADA

High Commission of India

10, Springfield Road Ottawa, Ontario,
Canada K1M 1C9

Tel.: 613 744 3751, 613 744 3752,

613 744 3753

Fax No. 613 744 0913

E-Mail: hicomind@hciottawa.ca

Emergency Operator helpline: 911

(Operators have access to interpretation services covering many Indian Languages)

UK

High Commission of India

India House Aldwych London WC2B 4NA

Tel.: 020 7836 8484 020 7632 3123

(after office hours)

Fax No is: 020 7836 4331.

E-mail: administration@hcilondon.in

Embassy hours: 9:15 a.m to 5:45 p.m.

Emergency contact number: 999 or 112

999 and 112 can be used from any phone. When dialing 999 or 112, the caller is connected with a telecoms operator such as BT, Cable & Wireless, Railnet, or Kingston Communications, and the operator will ask what service is required. Operators have access to interpretation services covering 170 languages.

AUSTRALIA

High Commission of India,

3-5, Moonah Place, Yarralumla, ACT-2600

Telephone: +61-262733999

Fax: +61-262731308

Emergency Contact

Kindly first send an sms outlining your grievance For ACT, Queensland, Western Australia & Northern Territory to

Mr. R.K.Kapoor, Second Secretary

High Commission of India,

3-5, Moonah Place, Yarralumla, ACT-2600

Tel 0432 585 493 – Mobile

For New South Wales and South Australia to

Mr. Gautam Roy, Consul

Consulate General of India,

Level 27, 25 Bligh Street, Sydney, NSW 2000

Tel 0413 770 598

For Victoria and Tasmania to

Mr. Rakesh V. Kawra, Vice Consul

Consulate General of India, 344, St. Kilda Road,

Melbourne, VIC – 3000.

Tel 0430 020 828

For Brisbane to

Prof. Sarva-Daman Singh, Honorary Consul

Honorary Consulate of India,

175 A, Swann Road, Taringa, QLD – 4068

Tel 0421 639 120

The national telephone number for all emergency services in Australia including AMBULANCE, FIRE, and POLICE is "000".

If you require the assistance of these services for routine matters and non emergency situations then you should call the local number of the required service nearest you. These numbers and other 24-hour emergency numbers can be found in the local White Pages telephone directory or you can search the Australian White Pages online

NEW ZEALAND

High Commission of India,

Level 9, 180 Molesworth Street PO Box 4045

Wellington 6015 New Zealand

Telephone No. for General/Consular Services: +64-4-4736390

Fax Number: +64-4-4990665, +64-4-4737149

Emergency Contact number in New Zealand:111

INDIA

Contact Details of Different Embassies in India

U.S. Embassy

Shantipath, Chanakyapuri

New Delhi - 110021

Tel: +91-11-2419-8000 Fax: +91-11-2419-0017

E-mail: ndwebmail@state.gov

Canadian High Commission

7/8 Shantipath, Chanakyapuri, New Delhi 110 021

Tel.: +91-11-4178-2000. Fax: +91-11-4178-2020

E-mail: delhi@international.gc.ca

Directly: delhi-im-enquiry@international.gc.ca.

British High Commission

Shantipath, Chanakyapuri, New Delhi 110 021

Website : <http://ukinindia.fco.gov.uk>

Australian High Commission

1/50G, Shantipath, Chanakyapuri, New Delhi 110 021

Tel.: +91-11-4139 9900. Fax: +91-11-4149 4490

Email: info.auin@vfshelpline.com

New Zealand High Commission

Sir Edmund Hillary Marg, Chanakyapuri,

New Delhi 110 021

Telephone: +91-11-4688 3170.

Fax: +91-11-4688 3165

Email: nzhc@airtelmail.in



NATIONAL COMMISSION FOR WOMEN

4, Deen Dayal Upadhyaya Marg, New Delhi-110 002

website : <http://ncw.nic.in>

Technical Assistance
Kundan Welfare Society (KWS)