

CHAPTER VIII
MARRIAGES WITH
NON RESIDENT INDIANS

Preeta's parents were very happy. Preeta had received a proposal for marriage from the family of a boy who was settled in America. At last their dream of getting their daughter married to an NRI boy had materialized. It was not only a status symbol for the family, but also gave them a sense of achievement, besides the assurance that Preeta would live a happy and prosperous life in future, in the wonderland that's called AMERICA! The preparations of the wedding were going on in full swing, when Meera Didi visited them. Of course she was equally happy for Preeta, but at the same time she advised her parents to take necessary precautions and make essential enquiries before marrying their daughter off to an NRI groom and sending her away to a foreign land. This is what she had to tell them about marriages with Non Resident Indians.

It is a common practice in some states for the parents to get their daughter married to Non-Resident Indians, assuming that such grooms would be economically well off and affluent which will not only enable their daughters to lead a life full of comforts, luxuries and prosperity but will also provide financial support to their families and new avenues for their siblings in foreign countries.

In practice, many of these marriages turn out to be failures and create life long problems for the girls because:

- (i) The antecedents of the boy and his family were not verified.
- (ii) There are instances that boys gave false information to the parents of the girls regarding their legal status and rosy picture about their employment.

- (iii) Those husbands, who have taken their wives abroad, have sent them back after a brief period.
- (iv) Wives are deserted



Some instances of the kinds of problems that a woman may face in an NRI marriage are:

- husband may abandon the woman even before she is taken to the foreign country of his residence with the promise that she could soon follow him, in most cases, the woman also gets pregnant, and she and her child, both get abandoned, never to be taken back by the husband.
- The woman finds herself alone in the foreign country and is assaulted and abused both physically and mentally and is malnourished, confined and ill-treated by the husband and/or his relatives.
- The woman may be harassed for dowry.
- The woman may land up in the foreign country to discover that no one turns up to receive her and she has no where to go to. She has no or limited money and no means to go back and also does not have legal

sanction to stay in the foreign country beyond a specified period.

- The woman discovers that husband is already married or is in relationship with another woman or has a family already.
- She discovers that her husband had given false information regarding his immigration status, job, property, marital status and other such material particulars.
- The husband obtains an ex-parte divorce decree in the foreign country behind her back and may also not give her the custody of her children.
- In India, the woman may be denied maintenance on the ground that her marriage has been dissolved by a foreign court. She may also face various other legal impediments relating to the issues of private international law such as those relating to jurisdictional issues, service of notice, enforcement of orders and decrees etc.

Precautions to be taken:

- **Do not** hurry to marry your daughter to non-resident Indians and do not get pressurized to do so for any reason whatsoever.
- **Do not** finalize matters over long distances, on phone or through emails and do not blindly trust any agents, bureaus, touts or middlemen.
- **Do not** agree to forge papers or enter into fake transactions.
- **Do not** fall for any schemes to be able to migrate to another country, or promises for green card, through marriage.
- **Do not** finalize marriages in secrecy, in fact publicize the proposal so that one can get vital information about the groom from others.

- **Do not** agree to having only a registered marriage or getting the marriage solemnized at a far off place.
- **Do not** agree on the marriage taking place in the foreign country.
- Make proper inquiry about the boy and his family from employer/ workplace/neighborhood, especially regarding his marital status, employment details, immigration status, financial status, properties owned by him, criminal antecedents, if any, and his family back ground.
- Check and verify some essential documents such as the passport or visa, voter or alien registration card, social security number, tax returns for the last three years, bank account papers, and property papers of the NRI groom.
- While sending the bride to a foreign country, she should have some important contact numbers such as that of the Indian embassy, local Indian associations and network of Indian citizens, local police and other support agencies.
- Get the marriage registered and carry out all the paper work for issue of visa and other required formalities at the wife's end and not at the husband's end. Also it is advisable to get an affidavit sworn by the NRI groom stating his present marital status.
- Remember it is most important to let the bride and the groom communicate and know each other by meeting personally and interacting face to face, freely and frankly.

Important judicial pronouncements relating to NRI marriages:

- ***Dhanwanti Joshi v. Madhav Unde (1998) 1 SCC 112***

In this case the NRI husband was already married to another woman and during the subsistence of the first

marriage, he married a second time, i.e., to Dhanwanti Joshi. They had a son out of the wedlock and when the child was 35 days old, she left her husband and returned to India. While deciding on the custody of the child the Supreme Court held that even though the husband may have obtained an order of custody from the foreign court, yet the best interest of the child lay in granting his custody to his mother and he was allowed to continue to stay in India with her who had brought her child up single handedly, subject to visitation rights of the father.

- ***Neeraja Saraph v Jayant Saraph (1994) 6 SCC 461***

The wife, a daughter of a senior Air Force officer serving as a teacher and drawing salary of Rs. 3000/- was married to the J Saraph , respondent

No. 1, a Doctor in Computer Hardware and employed in United States, the marriage was performed on 6th August 1989 and the appellant was taken for honeymoon to Goa for few days. Respondent No. 1 returned to America on 24th August, 1989, wrote letters to appellant on 15th September, 20th October and 14th November, 1989 persuading her to give up her job and suggesting the various avenues for her career in America.

Appellant believing all that tried for visa and ultimately resigned her job in November, 1989. But from December things started getting cold. And when father of appellant wrote a letter in January, 1990 to the respondent-husband about the sufferings of her daughter, it did not bring forth any favorable response and in June, 1990 the husbands brother came to Delhi handed over two envelopes, one of the letters was a petition for annulment of their marriage in a USA Court. The wife having forsaken by her husband and having lost the job had no alternative except to file a suit for damages against the husband and father-in-law for ruining her life. The suit was decreed ex-parte for Rs. 22 lakhs.

The supreme court directed that the execution of the decree shall remain stayed if the respondents deposit a

sum of Rs. 3,00,000/- including Rs. 1,00,000/- directed by the High Court within a period of two months, with the Registrar of the High Court. The appellant shall be entitled to withdraw Rs. 1,00,000/- without any security. The remaining Rs. 2,00,000/- shall be deposited in a nationalized bank in fixed deposit. The interest accruing on it shall be paid to the appellant every month. If the proceedings are not decided within reasonable time, it shall be open to the appellant to move an application for withdrawal of further amount.