

**FAQs: eLgal and other provisions in foreign countries
on Indian women cheated/abandoned/abused by
Overseas Indian Spouses***

**Data has been compiled on the basis of
information received from Indian Embassies in Feb-March 2016*

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1. UNITED ARAB EMIRATES

S.No.	Problems faced by Indian women married to Overseas Indians	Current Legal and other provisions in the foreign country
1	Mechanisms to verify background of PIO/NRI in foreign country prior to marriage-education, job, salary, marital status, etc.	No mechanism is available in UAE
2	Unregistered marriage of Indian women with Overseas Indian spouse (only social marriage)	Usually court often admits the affidavit in place of marriage certificate
3	Dowry demanded by spouse/parents-in-law who are living abroad	No particular law like dowry prohibition in India is available
4	Overseas Indian hides the fact that he is already married in the foreign country	No such legal provision available
5	Finding out location or whereabouts of husband in foreign country	No such legal provision available
6	Disappearance of spouse/Abandonment of Indian women by overseas Indian husbands (NRI/PIO/foreign spouse)	No such legal provision available
7	Providing shelter to abandoned woman/children abandonment by overseas Indian	No such provision by local government is available. However, Embassy/Consulate Shelter centre is available in Dubai with limited space.
8	Grant of permanent residency to Indian women/children abandoned by Overseas Indian spouse in India	It is at the discretion of the spouse.
9	Property Rights for aggrieved Indian wife in property of Overseas Indian spouse in foreign country	If the property is in UAE , the courts may accept civil claim but there should be proof of contribution by wife. This will also strengthen the maintenance/alimony plea of wife
10	Abuse/Domestic violence/Ill-treatment of wife by the NRI/PIO husband	Yes, police and prosecution take cognizance of offence. The matter is decided by Family prosecution under Article 53 of the UAE Penal Law .
11	Child abduction/Charges on wife by overseas Indian husband	Rarely seen in UAE. No legal provision available for such cases.

12	Child Custody sought by Indian woman when children, spouse are based abroad	Court usually gives the physical custody to mother if the child is minor. The custody of girl below 13 years and boy below 8 years are with Mother
13	Ex parte decree/divorce in foreign country	This can be challenged if provided with solid proof to prove in absentia
14	How much money is required to file a case in such matters	An amount of Rs 4,000/- (approx.) may be considered for legal aid and filing of a case in such matters as the legal fee in UAE is very high.
15	Look out circular of Overseas Indians sent by GOI to foreign government	Summons can be served through the Mission
16	Legal assistance by foreign government to the aggrieved woman to file case against overseas Indian	Counseling by Sharia Family Section of UAE Courts is free.
17	Foreign government/court recognising the jurisdiction of Indian courts	Indian courts judgments are recognized by UAE courts
18	Serving summons/arrest warrants order by Indian court on Overseas Indian spouse who lives abroad	Served through the Indian mission and UAE courts (UAE India Agreement, 1999)
19	Extension of Visa of aggrieved Indian wife (as dependent) of overseas Indian spouse even after she is abandoned in India/ill-treated by spouse	It depends on spouse if he is a sponsor.
20	Payment of Maintenance for Indian wife by Overseas Indian spouse	Provisions of Indian law could be invoked based on which courts are giving maintenance

2. BAHRAIN



S.No	Problems faced by Indian women married to Overseas Indians	Current Legal and other provisions in the foreign country
1	Mechanism to verify background of PIO/NRI in foreign country prior to marriage-education, job, salary, marital status etc.	There is no mechanism put up by Bahrain to verify the background of PIO/NRI prior to their marriage.
2	Unregistered marriage of Indian women with Overseas Indian spouse (only social marriage)	No such case has been reported to this Embassy
3	Dowry demanded by spouse/ parent-in-law who are living abroad	Bahraini legal system has no provision for the dowry demand. There is only 'Mehr' system which is dealt with in accordance with Shariat law
4	Overseas Indian hides the fact that he is already married in the foreign country	No cases have been reported in the Embassy of this nature, till date
5	Finding out location or whereabouts of husband in foreign country	Assistance of Ministry of Foreign Affairs and the Immigration authorities of Bahrain are sought whenever any such request received from the spouse/family members from India.
6	Disappearance of spouse/ Abandonment of Indian women by overseas Indian husbands (NRI/PIO/foreign spouse)	No cases have been reported in the Embassy of this nature, till date
7	Providing shelter to abandoned women/ children abandonment by overseas India	Government of Bahrain has opened a shelter where such cases are referred for redressal. The centre is equipped with all amenities. In addition the Migrant Worker Protection Society (MWPS), an NGO, also runs a shelter for women in distress.
8	Grant of permanent residency to Indian women/ children abandoned by overseas Indian spouse in India	There is no provision in Bahrain to provide permanent residency of foreign woman/children abandoned by their spouses. The spouse/children generally come on the dependent visa which is co-terminous with the employment contract of the husband/father. They can stay in Bahrain only up to the period of contract of husband/father and

		required to go back unless visa is renewed/or sponsored by the old/new employer.
9	Property Rights for aggrieved Indian wife in property of overseas Indian spouse in foreign country	As per the local laws the property is passed on from father to children directly and there are no provisions for Indian wife to inherit property of deceased husband.
10	Abuse/ Domestic violence/ Ill treatment of wife by the NRI/PIO husband	A few cases have been reported and legal aids were provided through local empanelled lawyers of the Embassy
11	Child abduction/ Charge on wife by overseas Indian husband	No cases have been reported in the Embassy of this nature, till date
12	Child Custody sought by Indian woman when children, spouse are based abroad	No cases have been reported in the Embassy of this nature, till date
13	Ex parte decree/ divorce in foreign country	The local Courts normally gives three chances to the accused to put forward his case. In case one of the parties to the case does not appear consecutively for three times, the Court can give ex parte decision/decreed depending upon the nature of the case. However, no such case has been reported/come to the notice of Mission.
14	How much money is required to file a case in such matters	The lawyer fees ranges from BD 1000 to 2000/- for the case i.e US \$2,700/- to US \$5,400/- depending upon the nature of the case and the standing of the lawyer hired to handle the case may be considered. Minimum amount of US \$3,000/- should be taken into account to hire a lawyer of appropriate standing to present the case.
15	Look out circular of Overseas Indians sent by GOI to foreign government	Efforts are made to serve these notices to the person concerned through local Foreign Office/Ministry of Justice and Islamic Affairs
16	Legal assistance by foreign government to the aggrieved woman to file case against overseas Indian	There are no such provisions in Bahrain for Indian Woman
17	Foreign government/ court recognizing the jurisdiction of Indian courts	Three treaties have been signed between the two governments in the area of judicial co-operation: i. "Mutual Legal Assistance in Criminal matters" ii. "Judicial and Judicial Co-operation in Civil and Commercial matters" iii. "Extradition Treaty"

18	Serving summons/ arrest warrants order by Indian court on Overseas Indian spouse who lives abroad	Summons/Arrest warrants received from Indian Courts are served by the Embassy through the Ministry of Foreign Affairs/Ministry of Justice of Bahrain. Indian and Bahrain has signed an agreement on “Mutual Legal Assistance in Criminal matters”, “Judicial and Judicial Co-operation in Civil and Commercial matters” and “Extradition Treaty” in 2004. Co-operation of local government is sought under the provisions of the treaties signed with Bahrain.
19	Extension of Visa of aggrieved Indian wife (as dependent) of overseas Indian spouse even after she is abandoned in India/ ill treated by spouse	Local Government has no provision of extension of dependent visa of dependent wife/children in case spouse deserts them or divorces the wife.
20	Payment of Maintenance for Indian wife by Overseas Indian spouse	Bahraini system has provision of providing maintenance charges in respect of the children only up to the age of 18 years. No provision, however, exists for the spouses divorced by their husbands.

3. KUWAIT



S.No	Problems faced by Indian women married to Overseas Indians	Current Legal and other provisions in the foreign country
1	Mechanism to verify background of PIO/NRI in foreign country prior to marriage-education, job, salary, marital status etc.	Specific requests could be verified on the basis of available records submitted by the individual.
2	Unregistered marriage of Indian women with Overseas Indian spouse (only social marriage)	Local authorities do not entertain for issuance of visa in case documents viz. marriage certificate/ relationship certificate are not attested by the Embassy.
3	Dowry demanded by spouse/ parent-in-law who are living abroad	Such cases are redressed in Indian Court.
4	Overseas Indian hides the fact that he is already married in the foreign country	Such cases are verified and redressed in Indian Court through legal proceedings
5	Finding out location or whereabouts of husband in foreign country	The Embassy requests the local Kuwaiti authorities for whereabouts on the basis of details viz. passport number, Civil ID, details of sponsors etc. provided by the petitioner.
6	Disappearance of spouse/ Abandonment of Indian women by overseas Indian husbands (NRI/PIO/foreign spouse)	-do-
7	Providing shelter to abandoned women/ children abandonment by overseas India	The Embassy has a shelter for female domestic workers. There is a shelter run by local authorities for absconding maid in the host country for those holding Domestic Worker (No.20) visa. No shelter available for those under 'family' visa.
8	Grant of permanent residency to Indian women/ children abandoned by overseas Indian spouse in India	Kuwaiti Residency Rule does not provide permanent residency in case spouse does not come to put residency. However, the local authorities ensure that the residency should be endorsed in case not legally separated. Suitable action is taken

		against spouse for any failure. Transfer of visa under article 22 (family) is allowed to labour visa under article 18, subjected to fulfillment of Residency Rules.
9	Property Rights for aggrieved Indian wife in property of overseas Indian spouse in foreign country	N.A.
10	Abuse/ Domestic violence/ Ill treatment of wife by the NRI/PIO husband	The victim may approach local police station for action as per local law.
11	Child abduction/ Charge on wife by overseas Indian husband	Action depends as per appropriate Court order in this regard.
12	Child Custody sought by Indian woman when children, spouse are based abroad	Local authorities are approached based on the decision of Indian Court.
13	Ex parte decree/ divorce in foreign country	Could be taken up in local court
14	How much money is required to file a case in such matters	It may vary from KD 800 (USD 2,400) to KD2000 (USD 6,000) or even more. Legal fees are exorbitantly high in Kuwait. Embassy's panel lawyers can be asked to take up case at lower legal fees in few deserving cases.
15	Look out circular of Overseas Indians sent by GOI to foreign government	The concerned authority takes action under intimation to Ministry of Foreign Affairs.
16	Legal assistance by foreign government to the aggrieved woman to file case against overseas Indian	No such provisions for expatriate learnt to be available in Kuwait.
17	Foreign government/ court recognizing the jurisdiction of Indian courts	Yes
18	Serving summons/ arrest warrants order by Indian court on Overseas Indian spouse who lives abroad	The Respondent is informed to visit Embassy to collect summons/ notice served upon him. However, for arrest warrant etc. the local authorities are requested to take appropriate action.
19	Extension of Visa of aggrieved Indian wife (as dependent) of overseas Indian spouse even after she is abandoned in India/ ill treated by spouse	Extension of visa is granted for cases pending in local court.
20	Payment of Maintenance for Indian wife by	Depends upon the Court order of the

	Overseas Indian spouse	local court.
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4. GERMANY

S.No	Problems faced by Indian women married to Overseas Indians	Current Legal and other provisions in the foreign country
1	Mechanism to verify background of PIO/NRI in foreign country prior to marriage- education, job, salary, marital status etc.	<p>Registration by the NRIs at the Indian Embassy/Consulate is voluntary and the Mission does not have any comprehensive list of NRIs under its jurisdiction as all NRIs do not register.</p> <p>Even those who have registered do not provide full personal details like salary etc. The German authorities refuse to divulge such information even to the Embassy as Germany has very strict data protection laws. Thus, it is difficult to get background checks on individuals.</p>
2	Unregistered marriage of Indian women with Overseas Indian spouse (only social marriage)	German authorities do not deem any marriage as legally valid unless it is registered under the civil law in Germany or India. NRI whose marriage is not registered cannot bring the spouse to Germany. If after the so-called "Social marriage" the husband goes abroad and the wife remains in India, it is seen as a personal matter between the two persons/families.
3	Dowry demanded by spouse/ parent-in-law who are living abroad	The Mission will not come to know about such demands unless the person/family affected makes a complaint. This matter may be dealt with by the person concerned in India as per relevant provisions of the law.
4	Overseas Indian hides the fact that he is already married in the foreign country	Legal system is strong in Germany if bigamy is proved. Moreover, before marriage, the prospective spouse/family in India can insist on a registration certificate of the NRI and a marriage eligibility certificate issued by the local authority where he/she is registered.

5	Finding out location or whereabouts of husband in foreign country	This is a legal matter. An official request has to be made through the Court in India to the German government.
6	Disappearance of spouse/ Abandonment of Indian women by overseas Indian husbands (NRI/PIO/foreign spouse)	A strong legal system exists in case of disappearance or abandonment. An official request has to be made through the Court in India to the German government.
7	Providing shelter to abandoned women/ children abandonment by overseas India	There are a number of German NGOs which give advice, and in exceptional cases provide even shelter/material assistance. Some local German authorities have also such offices, which one can be approached.
8	Grant of permanent residency to Indian women/ children abandoned by overseas Indian spouse in India	Residence permit is granted by the German local authorities based on the existing rules and administrative instructions. Each individual case varies and the local authorities take a decision based on the merit of each case.
9	Property Rights for aggrieved Indian wife in property of overseas Indian spouse in foreign country	This is a legal matter, which has to be settled through legal process.
10	Abuse/ Domestic violence/ Ill treatment of wife by the NRI/PIO husband	See No.8. In case or assault, Police can take necessary legal action on basis of the complaint.
11.	Child abduction/ Charge on wife by overseas Indian husband	Matter needs to be settled through legal process.
12.	Child Custody sought by Indian woman when children, spouse are based abroad	Matter needs to be settled through legal process.
13	Ex parte decree/ divorce in foreign country	Ex parte decree/divorce takes place only when the spouse in India does not respond to Court summons
14	How much money is required to file a case in such matters	It is difficult to assess the legal costs. It varies depending on the fees of the lawyer, which vary, the number of sessions and the length of time spent in settlement of the case. For legal aid and filing a case, an amount ranging between Euro 3000/- to Euro 5000/- may be considered.
15	Look out circular of Overseas Indians sent by GOI to foreign government	This is shared with relevant local authorities for further action at their end. Police are approached to trace missing persons.
16	Legal assistance by foreign government to the	No such facility is known to be

	aggrieved woman to file case against overseas Indian	available. Such cases are usually handled by private family lawyers or NGOs.
17	Foreign government/ court recognizing the jurisdiction of Indian courts	It is a matter of bilateral agreement on legal affairs. LRs are accepted by Germany.
18	Serving summons/ arrest warrants order by Indian court on Overseas Indian spouse who lives abroad	It is a matter of bilateral agreement on legal affairs.
19	Extension of Visa of aggrieved Indian wife (as dependent) of overseas Indian spouse even after she is abandoned in India/ ill treated by spouse	See No.9. Local Government handles such cases as per merits, with no clear guidelines.
20	Payment of Maintenance for Indian wife by Overseas Indian spouse	This needs to be settled through legal process. Sound policing and legal infrastructure exists to handle such cases effectively.



5. UNITED KINGDOM

S.No.	Problems faced by Indian women married to Overseas Indians	Current Legal and other provisions in the foreign country
1	Mechanisms to verify background of PIO/NRI in foreign country prior to marriage-education, job, salary, marital status, etc.	N/A- Families have to carry out their own enquiries - can hire private investigators.
2	Unregistered marriage of Indian women with Overseas Indian spouse (only social marriage)	If marriage was conducted in India according to Indian Laws, then will be considered a valid marriage here. But if a religious marriage was conducted in England and a civil marriage does not take place, then strictly not a valid marriage.
3	Dowry demanded by spouse/parents-in-law who are living abroad	Deal with under Indian law, but if there is force used or blackmail or domestic abuse that can become a criminal matter
4	Overseas Indian hides the fact that he is already married in the foreign country	Marriage will be invalid and may have committed criminal offence of bigamy
5	Finding out location or whereabouts of husband in foreign country	Private Investigator if husband and his family do not co operate. Mission cannot help due to Data Protection Act prevails in UK
6	Disappearance of spouse/Abandonment of Indian women by overseas Indian husbands (NRI/PIO/foreign spouse)	Depends on the period of stay and type of visa, can seek legal help either through domestic violence legislation.
7	Providing shelter to abandoned woman/children abandonment by overseas Indian	Depends how long they are here, can get Refuge accommodation if there is domestic violence, but Refuges depend on rental income and if the spouse has no money or is not eligible for state funds and can be problematic
8	Grant of permanent residency to Indian women/children abandoned by Overseas Indian spouse in India	Each case and its circumstances assessed individually
9	Property Rights for aggrieved Indian wife in property of Overseas Indian spouse in foreign country	Depends on length of marriage, assets available with the spouse, various criteria's is used by the court to assess , can become a lengthy and complex matter

10	Abuse/Domestic violence/Ill-treatment of wife by the NRI/PIO husband	Police reporting, remedies available like injunctions and occupation orders
11	Child abduction/Charges on wife by overseas Indian husband	Complex as India has not acceded to the Hague Convention on the Civil Aspects of International Child Abduction. But the Courts in India have the jurisdiction to deal with disputes of children's custody if a non-resident parent enforces a judgment of English Courts there.
12	Child Custody sought by Indian woman when children, spouse are based abroad	Can start proceedings in India and have it enforced here, but again complicated as need specialist advice as varies to case to case.
13	Ex parte decree/divorce in foreign country	Have to look at the circumstances and if both parties aware of proceedings then valid divorce. Again need to look at the documents and dealt with separately.
14	How much money is required to file a case in such matters	Depends on complexity of case and if court proceedings are issued they have to pay court fees, may require Barristers , additional fees, experts, etc.
15	Look out circular of Overseas Indians sent by GOI to foreign government	Mission approaches the Home Office in UK as and when Look out circular are received from the issuing authorities i.e. MHA/Min of Law
16	Legal assistance by foreign government to the aggrieved woman to file case against overseas Indian	Initial helps but if there are complications especially in children's matters and financial matters that require court proceedings, expenses can escalate.
17	Foreign government/court recognising the jurisdiction of Indian courts	Indian judgements can be registered and enforced under the Foreign Judgments (Reciprocal Enforcement) Act 1933
18	Serving summons/arrest warrants order by Indian court on Overseas Indian spouse who lives abroad	Mission approaches the Home Office/Royal Court of Justice as and when Summon are received from the issuing authorities i.e. MHA/Min of Law.
19	Extension of Visa of aggrieved Indian wife (as dependent) of overseas Indian spouse even after she is abandoned in India/ill-treated by spouse	Depends on case, how long here and if husband is a British Citizen
20	Payment of Maintenance for Indian wife by Overseas Indian spouse	If husband does not agree to pay, can issue financial proceedings.



6. UNITED STATES OF AMERICA

S. No.	Problems faced by Indian women married to Overseas Indians	Current Legal and other provisions in the foreign country
1	Mechanisms to verify background of PIO/NRI in foreign country prior to marriage-education, job, salary, marital status, etc.	Informed candidates can get the information through open source available on Internet. However, there is no mechanism to verify such details in USA due to privacy law.
2	Unregistered marriage of Indian women with Overseas Indian spouse (only social marriage)	In USA, marriages are always registered. Hence, the consulate has not come across any social marriages.
3	Dowry demanded by spouse/parents-in-law who are living abroad	Dowry demand is totally prohibited in USA.
4	Overseas Indian hides the fact that he is already married in the foreign country	Suppressing of facts hidden is serious offence. One can legally challenge the case.
5	Finding out location or whereabouts of husband in foreign country	Privacy act of the country does not allow them to share the information; However legal course can be perused to find the details through the court. Information can also be ascertained through his/her employer or from foreign government immigration etc.
6	Disappearance of spouse/Abandonment of Indian women by overseas Indian husbands (NRI/PIO/foreign spouse)	Once we receive complaint about missing/ abandoned spouse we try to help them through our empanelled NGO's and local Indian communities support. An NGO-ASHA can be contacted for legal and financial assistance.
7	Providing shelter to abandoned woman/children abandonment by overseas Indian	Same as point 7. Along with this, there are some other organizations located in USA who provide shelter for women without consideration of race, immigration status and nationality. A list of such organizations in California can be found at www.cpedv.org . a list of organizations in USA can be seen at http://www.thehotline.org/

8	Grant of permanent residency to Indian women/children abandoned by Overseas Indian spouse in India	<p>Permanent residency is provided to the Indian women/ children if the spouse is a USA citizen or permanent residence. Govt. of USA is very supportive to the victims of domestic Violence. Other than this, (according to an NGO-‘Maitri’) there are few visa categories that individuals undergoing domestic violence may be eligible for:</p> <p>Removal of Conditions on Permanent Residency Residency option for battered spouses of US citizens or permanent residents (VAWA Self Petition) U visa for victims of crimes (Applicable in crimes in the US) Trafficking visa for Spouses in limited cases</p>
9	Property Rights for aggrieved Indian wife in property of Overseas Indian spouse in foreign country	<p>Aggrieved Indian wife has the claim to the husband’s property in USA provided they are married for more than 3 years, with a child from the same marriage and wife is unable to work or earn livelihood due to physical/educational deficiency. Moreover, as per ‘Maitri’, for any family law case (Protective Order, divorce, separation etc), there is an option for asking for alimony depending on the circumstances and property rights in few cases. The Wife may not need to be present if she hires an attorney to work with her.</p>
10	Abuse/Domestic violence/Ill-treatment of wife by the NRI/PIO husband	<p>The Govt of USA provides legal/financial unemployment benefits to the victims provided the husband is a USA citizen or permanent residence. Moreover, an NGO-ASHA for women can be contacted for legal and financial assistance.</p>
11	Child abduction/Charges on wife by overseas Indian husband	<p>As any child that is born in USA is a citizen of USA. If parent take their child/children to India without notifying the other parent illegally the law and justice system takes a serious note about it. Accordingly judgment is delivered. The US State Department has 2</p>

		employees dedicated for South Asian cases of Abduction out of which one full time and a part time employee deal with Indian cases.
12	Child Custody sought by Indian woman when children, spouse are based abroad	Same as point 12.
13	Ex parte decree/divorce in foreign country	Divorce either mutual or in absence of the Indian spouse in the country is possible through legal means or with help of NGOs.
14	How much money is required to file a case in such matters	The legal costs may vary from case to case and can range from \$10 to \$50, 000. Legal fees are very high and mostly hourly basis in USA.
15	Look out circular of Overseas Indians sent by GOI to foreign government	Execution may be facilitated through Mutual Legal Assistance Treaty (MLAT)
16	Legal assistance by foreign government to the aggrieved woman to file case against overseas Indian	It is possible to seek the legal assistance from the foreign government provided the spouse is a USA citizen/permanent residence.
17	Foreign government/court recognising the jurisdiction of Indian courts	All legal issues are dealt under the arrangement of Mutual Legal Assistance Treaty (MLAT)
18	Serving summons/arrest warrants order by Indian court on Overseas Indian spouse who lives abroad	Summons/ arrest warrants are sent to the accused through regular post by this consulate. US state department discourages us to send these through them.
19	Extension of Visa of aggrieved Indian wife (as dependent) of overseas Indian spouse even after she is abandoned in India/ill-treated by spouse	Yes, but it is done on case to case basis.
20	Payment of Maintenance for Indian wife by Overseas Indian spouse	The USA courts pass order to provide maintenance to the spouse and the amount depends on several criteria.



7. AUSTRALIA

S.No.	Problems faced by Indian women married to Overseas Indians	Current Legal and other provisions in the foreign country
1	Mechanisms to verify background of PIO/NRI in foreign country prior to marriage-education, job, salary, marital status, etc.	This is not possible in Australia as authorities /employers would not share the personal details of PIO/NRI because of strict privacy laws.
2	Unregistered marriage of Indian women with Overseas Indian spouse (only social marriage)	All marriages are registered in Australia. There can be some rare case where social marriages were not registered. Consulate is, however, not aware of such cases.
3	Dowry demanded by spouse/parents-in-law who are living abroad	Dowry demand is done by parent in law in India.
4	Overseas Indian hides the fact that he is already married in the foreign country	This is true but authorities do not share personal details about person's marital status because of strict privacy laws of Australia.
5	Finding out location or whereabouts of husband in foreign country	Because of privacy laws, police do not entertain request to locate person's whereabouts.
6	Disappearance of spouse/Abandonment of Indian women by overseas Indian husbands (NRI/PIO/foreign spouse)	Such incidents do happen.
7	Providing shelter to abandoned woman/children abandonment by overseas Indian	Local authorities have arrangement of shelter and support to women subjected to domestic violence due to marital discord.
8	Grant of permanent residency to Indian women/children abandoned by Overseas Indian spouse in India	Indian women on spouse visa (only) in Australia or India abandoned by overseas husband can seek permanent residency.
9	Property Rights for aggrieved Indian wife in property of Overseas Indian spouse in foreign country	Indian women on spouse visa (only) in Australia or India abandoned by overseas husband can seek property rights
10	Abuse/Domestic violence/Ill-treatment of wife by the NRI/PIO husband	Such incidents do happen.
11	Child abduction/Charges on wife by overseas Indian husband	Such incidents have not come to our notice.
12	Child Custody sought by Indian woman when children, spouse are based abroad	Such incidents have not come to our notice.
13	Ex parte decree/divorce in foreign country	Such incidents have not come to

		notice as court/authorities do not share such data.
14	How much money is required to file a case in such matters	In order to file divorce a court fee of A\$ 925 is paid. However, lawyer's fee varies from lawyer to lawyer, which is quite substantial [approx. A\$ 5000 to A\$ 10000] Australia being a high-cost economy, the legal cost is enormous here. Thus, approx A\$ 10000/- plus may be considered for such matters
15	Look out circular of Overseas Indians sent by GOI to foreign government	No such circular has been received yet.
16	Legal assistance by foreign government to the aggrieved woman to file case against overseas Indian	Local authorities have arrangement of shelter and support including legal support to women subjected to domestic violence due to marital discord provided she is on spouse visa or a permanent resident or an Australian citizen.
17	Foreign government/court recognising the jurisdiction of Indian courts	Foreign court decree is recognized from case to case basis.
18	Serving summons/arrest warrants order by Indian court on Overseas Indian spouse who lives abroad	Under Mutual Legal Assistance Treaty, Department of Justice of Australia serves the summons to NRIs.
19	Extension of Visa of aggrieved Indian wife (as dependent) of overseas Indian spouse even after she is abandoned in India/ill-treated by spouse	If foreign women are on spouse visa, her visa can be extended.
20	Payment of Maintenance for Indian wife by Overseas Indian spouse	Court awards maintenance to wives on the basis of husband's income and scrutiny of her financial requirement including children, if any.



8. NEW ZEALAND

S.No.	Problems faced by Indian women married to Overseas Indians	Current Legal and other provisions in the foreign country (New Zealand)
1	Mechanisms to verify background of PIO/NRI in foreign country prior to marriage-education, job, salary, marital status, etc.	One particular mechanism to verify ones background is to refer to their passport copy which states the nationality of a person. This will be relevant only for people who are Residents of the country not citizens. There is no legal document that is available to the general public that displays the background of a PIO/NRI.
2	Unregistered marriage of Indian women with Overseas Indian spouse (only social marriage)	New Zealand recognizes the relationship of a de-facto partner. So a social marriage or a partnership (that has a genuine, stable and ongoing relationship) is recognized as a marriage. Overseas recognized or registered marriages are recognized in New Zealand.
3	Dowry demanded by spouse/parents-in-law who are living abroad	There is no specific provision on dowry law in NZ
4	Overseas Indian hides the fact that he is already married in the foreign country	Legally per the Crimes Act 1961 (New Zealand), a person cannot marry in New Zealand if they are already married. Polygamy is a crime in NZ. However if a married person marries someone in another country (such as India in this scenario) the laws of that country will prevail.
5	Finding out location or whereabouts of husband in foreign country	The location of a person is not provided by NZ authorities without the consent of the individual due to privacy issues.
6	Disappearance of spouse/Abandonment of Indian women by overseas Indian husbands (NRI/PIO/foreign spouse)	An adult cannot be forced to live with another adult in New Zealand. The next of kin or friends may be able to assist. Complaints may be lodged with the police, if there has been a fraud or deception. However, enforcement may be difficult.
7	Providing shelter to abandoned	There are charitable organisations in

	woman/children abandonment by overseas Indian	NZ that provide shelter to abused/abandoned women. One such organisation is called Shakti New Zealand.
8	Grant of permanent residency to Indian women/children abandoned by Overseas Indian spouse in India	This is only possible if the abandoned women and children are granted a refugee status. The Police may issue a support letter to assist with a visa or residence. However, this is on a case to case basis as there have been instances where this provision has been misused.
9	Property Rights for aggrieved Indian wife in property of Overseas Indian spouse in foreign country	An eligible partner may apply to the Family Court. There are a number of factors that the Court will look at including the length of relationship. Per the property law of New Zealand, if you've been married, in a civil union or lived together for 3 years or more, any property that both partners own will be equally divided.
10	Abuse/Domestic violence/Ill-treatment of wife by the NRI/PIO husband	New Zealand has strong domestic violence laws. Physical, sexual, psychological or financial abuse is considered part of domestic violence. One may obtain Police safety orders, or protection orders.
11	Child abduction/Charges on wife by overseas Indian husband	One may apply for the care of children and custody of the child to the Family Court. It will be treated as abduction only if it is against the orders passed by the Court or if a child is being taken out of the country without the consent of the other guardian/parent.
12	Child Custody sought by Indian woman when children, spouse are based abroad	As above. The best interests of the child are taken into account by the Family Court while weighing the factors such as abusive parent or unhealthy environment, other commitments and obligations of the parent, finances, health etc.
13	Ex parte decree/divorce in foreign country	Ex parte orders can be obtained if all steps laid down by the Court, for service of the other party, are followed and exhausted and the Court allows to proceed by ex parte proceedings.
14	How much money is required to file a case in such matters	The legal costs depend on a case-to-case basis. Legal costs are very high

		in NZ and no exact amount can be provided. An amount of \$2000/- to \$3,000/- may be useful for initial assistance. However, the amount of total assistance required will depend upon each case and its complexity – domestic violence, separation, divorce, custody of children, property relationships etc. Each case has to be dealt with separately.
15	Look out circular of Overseas Indians sent by GOI to foreign government	Mission may have to seek the assistance of local authorities. However, NZ authorities do not reveal the whereabouts of any person owing to strict privacy laws
16	Legal assistance by foreign government to the aggrieved woman to file case against overseas Indian	New Zealand has legal aid provisions for eligible persons. Domestic violence cases are taken care of by the police prosecutions and assistance provided to the victim. However, in other property and civil matters legal aid may not be available to a non-resident.
17	Foreign government/court recognising the jurisdiction of Indian courts	<p>New Zealand Courts recognise the jurisdiction of Indian courts, however a decision made by an Indian court may be persuasive but not binding on the New Zealand courts.</p> <p>New Zealand Courts recognize the validity of a decree or legislative enactment for divorce or dissolution cases when one or both the parties are nationals or citizens of that country. The jurisdiction of other matters depends on case to case basis.</p> <p>However, owing to privacy laws, there are limits to which the orders of Indian courts are accepted and it has been the experience of this Mission that decisions of only the local authorities are accepted.</p>
18	Serving summons/arrest warrants order by Indian court on Overseas Indian spouse who lives abroad	New Zealand Courts, police or government agencies are not obliged to take necessary steps. The legal process has to be a private initiative to serve the summons/arrest warrants by following the due process of law.

		Usually the summons sent by the Mission are not accepted by the recipient and are returned to the Mission.
19	Extension of Visa of aggrieved Indian wife (as dependent) of overseas Indian spouse even after she is abandoned in India/ill-treated by spouse	Immigration New Zealand usually issues or extends the partnership visa only if a marriage or partnership is genuine, stable and ongoing. One may be eligible for visitor or other categories of visa depending upon the eligibility and circumstances of each individual.
20	Payment of Maintenance for Indian wife by Overseas Indian spouse	An “eligible partner”, if applies to the Court, may be granted maintenance to get him/her back on feet. This is usually for a short period. The Court will look into number of factors including other financial means, independency, capacity to work and earn, looking after children, any period of retraining required.

9. CANADA



S.No.	Problems faced by Indian women married to Overseas Indians	Current Legal and other provisions in the foreign country
1	Mechanisms to verify background of PIO/NRI in foreign country prior to marriage-education, job, salary, marital status, etc.	It is submitted that under the strict provisions of Privacy Act, the Canadian authorities do not share any information on any matter, including marriage-related issues, about any person, whether Canadian or otherwise, living in Canada without the written consent of the person in question. Hence, it is not possible for this Mission to verify the background relating to the education, job, salary, marital status of the PIO/NRI in Canada prior to marriage.
2	Unregistered marriage of Indian women with Overseas Indian spouse (only social marriage)	The Canadian authorities do not share with the Consulate any personal information about a person, whether Indian or otherwise, in view of the strict privacy laws. Therefore, it would not be possible for this Mission to know the number of unregistered marriages of Indian women with overseas Indian spouses.
3	Dowry demanded by spouse/parents-in-law who are living abroad	The Mission has no <i>locus standi</i> to approach any Canadian authority or any person in Canada to inquire about the dowry demanded by any NRI/PIO spouse or his/her family living in Canada. One has to take recourse to the provisions of the Mutual Legal Assistance Treaty (MLAT) between the two countries for redressal of grievances.
4	Overseas Indian hides the fact that he is already married in the foreign country	As already mentioned, the Canadian authorities do not share any information with the Consulate or any third person about the marital status of a PIO/NRI, in view of the strict privacy laws.

		The only way to know the marital status of an Indian national is checking of their PRIDE data which again cannot be said to be a true proof.
5	Finding out location or whereabouts of husband in foreign country	Owing to strict Privacy laws, it is not possible for this Mission to approach any Canadian authority or private persons to find out the whereabouts of an Indian NRI/PIO spouse in Canada.
6	Disappearance of spouse/Abandonment of Indian women by overseas Indian husbands (NRI/PIO/foreign spouse)	There is no way this Mission can trace in Canada a fugitive spouse who has abandoned his/her Indian spouse.
7	Providing shelter to abandoned woman/children abandonment by overseas Indian	The local Canadian social services authorities do provide shelter and food to abandoned woman/children though they do not share such information with this Mission.
8	Grant of permanent residency to Indian women/children abandoned by Overseas Indian spouse in India	The Canadian authorities grant permanent residency only to those women and children who are sponsored by the Indian NRI/PIO spouse.
9	Property Rights for aggrieved Indian wife in property of Overseas Indian spouse in foreign country	An aggrieved Indian wife can file a case in Indian court for 50% of the foreign owned property of her spouse. However, the Canadian authorities do not recognise the court orders of India in such cases. She can also approach a lawyer in Canada after reaching here even on visitor visa, sponsored by anybody (not necessarily her husband).
10	Abuse/Domestic violence/Ill-treatment of wife by the NRI/PIO husband	The Mission also received complaints of abuse/domestic violence/ill-treatment by Indian wives at the hands of their NRI/PIO husbands. However, the Mission cannot take up the matter with the concerned local police authorities as it has no <i>locus standi</i> in the matter due to strict privacy laws. In such cases, only the distressed Indian women can seek the assistance of local police/other authorities directly.
11	Child abduction/Charges on wife by overseas Indian husband	Normally the Canadian immigration authorities ask for the consent letter if the child is travelling alone or with

		one parent. The HCI on its part also require the consent of both the parents at the time of issuing Indian visa to the minor child. Even if the mother is able to abduct a minor child holding Canadian nationality to India, the Canadian authorities file a court case and vigorously follow the matter with the concerned foreign authorities. In such cases, Consulate is not kept in the loop.
12	Child Custody sought by Indian woman when children, spouse are based abroad	The aggrieved Indian wife will have to seek the help of the local Canadian court. The custody of the child (who may be having Canadian nationality) can be given to the mother, who may even be holding Indian nationality.
13	Ex parte decree/divorce in foreign country	There have been many cases where the local courts have taken Ex parte decisions favouring Canadian citizens. However, it happens when the Indian women is not represented in the court case.
14	How much money is required to file a case in such matters	The legal cost in Canada is huge and the amount may vary from case to case. If the divorce case is with mutual consent, it may be decided within six months - one year at a cost of Canadian \$ 2000. However, if it is contested and goes for trial, the legal costs may be anywhere between Canadian \$ 50,000 and beyond.
15	Look out circular of Overseas Indians sent by GOI to foreign government	As regards Servicing of judicial documents in Canada, including court orders/summons/show cause notices, it is regulated by reciprocal arrangements with Canada finalized and notified by the Ministry of Home Affairs, New Delhi, as per statutory provisions of the Criminal Procedure Code (Section 105). MHA, which is the nodal Ministry and Central Authority for seeking and providing the Mutual Legal Assistance in Criminal Matters, receives all kinds of such requests, examines them and take appropriate action including taking up the matter with the Canadian

		<p>Department of Justice, Ottawa. If the judicial documents are not sent under MLAT, the Canadian authorities do not take any action.</p> <p>Comprehensive guidelines in this regard can be seen on the website of the Ministry of Home Affairs (http://www.mha.nic.in).</p>
16	Legal assistance by foreign government to the aggrieved woman to file case against overseas Indian	The local government provides free legal aid to aggrieved Indian women, if she is resident in Canada.
17	Foreign government/court recognising the jurisdiction of Indian courts	Canadian Courts do take cognisance of the orders issued by the Indian courts only when these are forwarded to the Canadian Department of Justice, Ottawa by the Ministry of Home Affairs for further action under the MLAT.
18	Serving summons/arrest warrants order by Indian court on Overseas Indian spouse who lives abroad	It is not possible to serve summons/arrest warrants issued by an Indian court against an NRI/PIO spouse living in Canada. The Canadian courts and other authorities do not take cognisance of such orders unless these are forwarded by MHA under MLAT to the Canadian Department of Justice.
19	Extension of Visa of aggrieved Indian wife (as dependent) of overseas Indian spouse even after she is abandoned in India/ill-treated by spouse	The visa cannot be extended unless so requested by the PIO/NRI husband.
20	Payment of Maintenance for Indian wife by Overseas Indian spouse	In almost all the cases, the distressed Indian wife who is located in India do not get any maintenance from her PIO/NRI husbands. If she is resident in Canada, she can take up the matter for maintenance with the Canadian Superior Court (Family branch).