

Ruchika Abbi

**Seeking Parent (Mother) of Abducted Child (Daughter) to India**

**Bring Our Kids Home / iStand Parent Network**

**Testimony for the Committee on Foreign Affairs**

**Subcommittee on Africa, Global Health, Global Human Rights, and International Organizations**

**July 14, 2016**

## Hope Deferred: Securing Enforcement of the Goldman Act to Return Abducted American Children

Good Afternoon Chairman Smith, Ranking Member Bass, Members of the Committee and officials from other departments as well as my fellow left-behind parents and their supporters who are present here in person or in spirit to advocate for the return of our abducted children. My name is Ruchika Abbi and I am a Permanent Resident of USA and a Citizen of India residing in Chantilly, Virginia. Thank you for giving me this opportunity to speak on behalf of my daughter, Roshni Seth, who is a U.S. Citizen by birth, 8.5 yrs of age and was abducted to New Delhi, India by her own father, over two years ago.

I am an active member of "Bring Our Kids Home", an organization founded by left behind parents in 2015 whose children have been abducted to India from the United States. In my testimony, I will primarily focus on my daughter, Roshni's abduction to India and all the hardships I have been facing to secure her return to the U.S. based on multiple interim custody orders from the U.S. Court as well as Indian Courts.

My heart goes out to all our children who have been victims of this crime and to their seeking parents across this Nation. I am advocating the immense need to eradicate the global malaise of International Parental Child Abduction.

Roshni, in Hindi, means radiance, the light that guides me in the lingering moments of darkness and despair. Roshni is not just a little person whom I seek but also what I seek. I seek the brightness that only comes from within and flames a torch to enlighten everyone. *"Life is no 'brief candle' for me."* - said George Bernard Shaw - *"It is a sort of splendid torch which I have got hold of for the moment, and I want to make it burn as brightly as possible before handing it on to future generations."* Today, this very moment in time, I take the pride to hold and carry forward this flame of the IPCA Awareness Torch. This torch was lit and enriched over the years by Rep. Smith and his staff who have played a key role in getting the Sean and Goldman Bill enacted into Law by President Obama on Aug 8, 2014 and Dr. Noelle Hunter along-with all other dedicated coalition partners of IStand Parent Network resonating – **"America's Stolen Children Must Come Home"**.

What is [International Parental Child Abduction](#) (IPCA)? What is [International Parental Kidnapping](#) (IPK)? What is [The Hague Convention on the Civil Aspects of International Child Abduction](#)? What is [Sean and David Goldman International Child Abduction Prevention and Return Act \(ICAPRA\), 2014](#)? These may be trivial questions for those unfamiliar with this heinous crime committed not by a stranger, but by a parent. Unfortunately, most of the policy makers, judges and law enforcement officials in many

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countries, like India, do not recognize parental child abduction as a crime. The means to deal with this criminal act and prevent it do not exist.

**The underlying message in my testimony is that the parents of American children, victims of international parental kidnapping to India, face enormous and, often insurmountable obstacles in seeking the return of our children. We receive little assistance from our Government and no assistance from the Indian Government, despite the fact that these cases have been lingering for years! I am asking for help, I am asking that our children be returned home to the United States, without further delay.**

The U.S. Department of State's 2015 IPCA report show India to be the No. 1 non-Hague signatory destination of IPCA from the United States and No. 3 from all over the world. The report also calls out India as one of the 22 Nations around the world that have shown patterns of non-cooperation in resolving child abduction cases originating from the United States. As reported in [The 2016 Annual Report on IPCA](#) released on July 11, 2016, India remains non-compliant :- ***"India demonstrated a pattern of noncompliance by persistently failing to work with the United States to resolve abduction cases in 2015. India does not adhere to any protocols with respect to international parental child abduction. During 2015, the Department had 99 reported abductions to India relating to children whose habitual residence is the United States. Of those, 25 were newly reported during the calendar year. While no cases had been resolved, by December 31, 2015, 83 reported abductions remained open."***

Sadly, my daughter Roshni is one of the 83 unfortunate children called out as open abduction cases in this report.

I am a Legal Permanent Resident of USA since 2010 and a Citizen of India, residing in Chantilly, Virginia employed as a Cloud Solutions Architect with Amazon Web Services in Herndon, Virginia. I came to the U.S. on a student visa in the year 2000 and got married to Suraj Seth in New Delhi, India in 2001 after which we both came to the U.S. with the intent of permanently settling here. Over the years, I joined the U.S. workforce and switched to H1 work visa, sponsored my husband's dependent visa and in year 2010 we both became permanent residents of the U.S.

## Roshni - Stolen From Her Home Country, Separated from Her Mother

My daughter Roshni is a U.S. Citizen by birth, and I was blessed with her on the Christmas Eve, 2007 in Fairfax , VA. She was an active, 6 year old, Girl Scout Daisy, loved by her friends and neighbors. She attended Kindergarten in Liberty Elementary School, South Riding, VA, enjoyed her weekly piano and swimming lessons. All of a sudden, on April 15, 2014, when I was traveling for an overnight business trip to North Carolina, she was surreptitiously taken by her own father to New Delhi, India. I left in the morning handing Roshni over to her father and in the evening when I could not reach her on FaceTime as I normally would, I started calling friends and neighbors frantically only to realize that I was facing my worst fear. Once inseparable, Roshni was snatched away from me and deprived of her mother's love and care.

I still shudder at the very thought of that night when I flew back to Virginia. Imagine coming back to the silence and emptiness of an abandoned home left with nothing but memories and belongings of your only daughter suddenly taken away across international borders by your own spouse. I was grieving the sudden loss of my daughter who was very much alive.

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Roshni's father abandoned the house, the marriage, the marital debt, his employment, permanent residency status – he abandoned everything and just disappeared with Roshni. In my case, it was neither defiance of a custody order nor a refusal to return from a "vacation" in India. It was a preplanned, successfully executed kidnapping of my daughter.

Two years before the abduction incident, in July 2012, the father was arrested for Domestic Violence, assault and battery at a public place in front of Roshni and we got protective orders for 4 days from the Fairfax County Court. Within a few months, Roshni also witnessed her father getting arrested for DWI. During the probation period, while the father was going through Anger & Domestic Abuse Prevention & Treatment (ADAPT) program and Virginia Alcohol Safety Action Program (VASAP), there were multiple incidents of non-compliance and DWI Violations. Our marital relationship was only deteriorating and the father had started threatening me that he would take Roshni and move to India.

In April 2013, on the pretext of an illness for which the father wanted to get treated in India, he forced me to travel to New Delhi for a few days. But once we reached, I realized that he went there only to humiliate me in front of the extended families and pressurized me into signing a 'Memorandum of Understanding' (MOU) whereby I was forced to agree to sell the marital house and then relocate to India within a year. If I refused to sign the MOU he would not let Roshni go back to the U.S. and leave her with his family. I had no choice but to give into to his demands and signed the MOU thinking once I am back in the U.S., I will be able to safeguard Roshni as she is a U.S. citizen.

In Sept 2013, in response to the continued threats from the father, I entered Roshni into Children's Passport Issuance Alert Program (CPIAP), U.S. Department of State, Office of Children's Issues as her original was expired. However, once again, through threat and intimidation by the father and his family members and in an attempt to create a peaceful environment at home for Roshni, I was forced into signing the passport application giving consent for the minor child's passport renewal. Unfortunately, Roshni continued to witness the marital discord, disagreements and how I succumbed to emotional, physical and verbal abuse in the family but I could never muster the courage to walk out just so Roshni would at least continue to get the love from both the parents.

When a separation is inevitable, the next best thing for kid(s) is shared parenting and that's what I proposed in March 2014 but turned out that the father's wish to own the child was much bigger than my wish to give her access to both parents. The father had deceitfully planned the abduction to flee from the U.S. well in advance, to avoid the trial and possible jail time he was facing in Fairfax County Court, VA for DWI charges and multiple violations during probation. Just a day before leaving, the father filed a motion in Fairfax County Court surrendering his driving privileges and revoking from Virginia Alcohol Safety Action Program (VASAP) on account of permanent relocation. The marital house was under contract, to be closed on April 30, 2014 by both of us. We had an additional 2 months of rental post-settlement occupancy addendum so we could look for alternate accommodation during that period. I could never imagine he would just leave in the midst of all this. Roshni's new passport, that was blank, was at home and given the fact that for a new travel visa, both parents' consent is needed, I did not see any incumbent danger and did not remove the passport from our home. But the father was secretly holding on to Roshni's old passport which had a valid Indian visa that he used with her new blank passport to travel with her.

I wish when I was called by the U.S. Department of State to give my consent for Roshni's new passport – I was educated about the pandemic nature of IPCA issue and told – *"DO NOT RENEW THE CHILD'S*

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*PASSPORT if you feel there is any imminent threat to her abduction”* supported by some examples or statistics on the number of unresolved cases. If the U.S. Department of State and the U.S. Customs and Border Protection had certain travel alerts for the parents or exit controls in place for the children who were ever entered in CPIAP, Roshni’s abduction could have been averted.

But it was too late. I had lost my daughter to parental abduction. After I came back from North Carolina, not knowing the whereabouts of either of Roshni or her father, I filed a missing person's report with Loudoun County Sheriff Department and promptly reported the incident to U.S. Dept of State. After about 24 hrs, I got a call from the father informing me that he had ‘taken’ Roshni to his parent’s house in New Delhi and told me that he was never coming back with Roshni and I could either relocate and join them or live the rest of my life without Roshni. In the next few days, I was only allowed to occasionally speak with Roshni and she was under the impression that she was on a surprise vacation and I was going to eventually join them.

As a left behind mother seeking reunion with my abducted daughter, my only recourse was to take legal action in the U.S. and India. I did not press criminal charges against the abducting parent and followed only the civil route when I heard from the OCI that in certain cases, having a criminal warrant against the abducting parent would actually leave little room for negotiations during the proceedings in India for an amicable resolution to the case facilitating the return of the child. While the OCI mentioned that there were many other pending cases and I was not alone, due to privacy reasons, no other details were disclosed and for the longest of time, I was fighting my battle all by myself. I sincerely thank my Country Officer who has been guiding me through this horrendous maze but like many other left behind parents, I cannot seem to find an exit point at all. So clearly there is a lot more that needs to be done.

## My Quest to Reunite with Roshni

(Excerpts of Indian Court Orders in [Exhibit A](#))

For 27 months, I have been running from pillar to post, have embroiled myself in international legal proceedings seeking Roshni’s return to the U.S., facing extreme hardships at various fronts (emotional & financial) and facing the harsh reality of navigating the legal system in India that is largely insensitive to parental child abductions and ill-equipped to deliver prompt justice. During this time, my access to Roshni was curtailed by her father for prolonged periods. As of today, I have not spoken to or had even a glimpse of Roshni for the last 7 months.

### U.S. Proceedings:

**End of April - May 2014:** I filed complaints with the Loudoun County Circuit Court for Emergency Custody, Child Pick-up and Divorce after consulting with expensive laws firms in the U.S. and India.

Due to a binding sale contract and upcoming legal expenses, I sold the marital house with the help of a Power of Attorney document sent by the father directly to the settlement company. He got 50% of sale proceedings electronically. As soon as he received the email notice for the complaints from the Loudoun County Circuit Court, he was outraged and called me telling me – *“Now you will speak to Roshni only when you come to get her back - legally”*. All communication was dropped thereafter. I traveled to India in between but was not given access to my daughter and the U.S. Embassy in New Delhi told me there was nothing they could do to help. Hardest was to come back without meeting her and stay in the house for 2 months after the closing and take care of personal belongings collected over a decade all by

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myself. I donated most of the stuff and held on to Roshni's belongings and moved to a rental condo in the same community with the intent of providing some continuity to Roshni when she came back.

**Aug 2014 (U.S. Custody Order):** After almost 4 months, multiple proceedings, serving the father a complete copy of all complaints and summons twice in India, The Loudoun County Circuit Court of Virginia, on Aug 12, 2014, granted Roshni's temporary emergency **Sole Legal and Sole Physical Custody** to me and directed the father to return to Virginia with our daughter and bear the travel/litigation expenses. The order also clearly stated that the Loudoun County Circuit Court has both subject and personal matter jurisdiction over the mother and the father pursuant to the Uniform Child Custody Jurisdiction and Enforcement Act (UCCJEA) and authority to make the initial custody determination of the minor child. All complaints were consolidated and Divorce was marked as pending. With this my total legal bill was almost 89k USD, out of which 35k USD was still outstanding to the law firm and I promised to pay on a monthly basis.

#### India Proceedings (I stayed in India):

Desperate to meet with my daughter, I went to New Delhi and initiated the legal proceedings to get the U.S. Custody Order enforced in India. I could work remotely for up to 10 days and was planning to keep going back and forth as needed during the pendency of legal proceedings in India.

**Sept 2014 (Interim Custody Order):** I filed a Writ of Habeas Corpus in Delhi High Court and I met with my daughter for the first time during a court ordered mediation process. She was very happy to see me and had many questions which I couldn't answer. Thereafter, by God's grace, I was given an interim custody order but solely on the basis of circumstances (prolonged separation of minor child from the mother) with a restriction on my daughter's travel and alternate day visitation to the father. The facts on abduction and the custody order from the U.S. Court were not given any consideration.

The order was violated and immediately the father filed a Guardianship Petition as a counter proceeding seeking custody in the lower Family Court instead. It took me 3 days to get the order enforced and take Roshni's custody. I was over the moon thinking I had reunited with her and eventually, the order would remove the travel restriction and let me take her back to the U.S. By now, she was admitted to a school in the neighborhood and was really struggling with studies as she was never able to finish Kindergarten in the U.S. and forced to skip the first grade completely in India. I took time off from work to fully focus on Roshni, help her with studies, help her heal and bounce back emotionally. We continued to stay at my parents' place thinking it was a temporary arrangement.

**Sept - Oct 2014:** To further harass me and diminish my hopes of resuming a peaceful life with Roshni, the father continued to file multiple applications in the High Court for modification of the interim custody order, get a red corner alert for me, a look out circular for Roshni and to get my passport deposited with the court pressing that I was a threat and could abduct her to the U.S. He also filed another Civil Suit in Delhi High Court for Injunction of the U.S. order and 21 lakh Indian Rupees (~14k USD) as another counter proceeding. When there was an order to deposit Roshni's passport to the High Court, the father simply refused having the passport despite the fact that he was the one who traveled with Roshni. I continued to obey all orders and keeping Roshni's best interests in mind, I always went out of my way to facilitate visitation at the father's parents' house while I waited for hours on his stairs. Roshni had a major separation anxiety and would cry inconsolably if she didn't see me waiting for her. That clearly showed how traumatized she was. She would always question me – *"When you were in US,*

*dad didn't allow me to talk to you. Now that I am with you, why do you force me to meet with him every other day?"*

**Nov 2014:** In contrary to what I thought, during the final disposition of the Writ Petition in Delhi High Court, the U.S. Custody order was clearly ignored and arguments on original jurisdiction were not heard. To my dismay, even though the Guardianship proceeding was initiated after the U.S. Court and Delhi High Court Proceedings, I was asked to submit to the jurisdiction of the Family Court in India, withdraw the cases in the U.S. in lieu of which the father would withdraw the counter Civil Suit and Delhi High Court would give directions to the Family court for a speedy decision. I went to India seeking justice and I was being asked to submit to their jurisdiction and be the Defendant/Respondent in counter proceedings. When I refused to withdraw the cases in the U.S., the case was still disposed of confirming the old interim custody order with travel restrictions for Roshni. No directions were given to the Family Court for a speedy disposal. Both Roshni and I were trapped. We were hostages of the abducting parent and the entire system was by his side.

I filed a jurisdictional challenge application in the Family Court which is still floating around after almost 2 years. I had to continue to make payments in the U.S. for my rental property, car, credit cards and pending legal fees. I started incurring more and more debt both in the U.S. and in India. I had to switch to an unpaid leave of absence and my finances and all hopes were running dry. Additionally, my permanent residence status was at risk because I was away for more than 6 months. Meanwhile, the father continued to abuse his visitation rights by taking Roshni out against her wishes and disappearing for hours while I waited on the street and several times I had to approach the local law enforcement to help me but they simply refused to intervene. I approached the U.S. Embassy and FRRO in New Delhi for assistance. Instead I found out that Roshni may have a look out circular which the father got on the basis of travel restrictions even in the absence of a clear order. Ever since, a free child has been living a life of a captive.

**March 2015:** I was devastated with no hope left and prayed every single day for some door to open. I had to sign a promissory note with my U.S. law firm that I would resume their monthly payments soon but I had no clue how that would happen. The fear of going bankrupt, losing permanent residence status and above all fear of losing Roshni all over again if I left her with my parents to take care of these responsibilities was killing me and I could not even enjoy the time I was able to spend with Roshni. I found pro-bono legal support to appeal the High Court Order in Supreme Court of India. The petition was admitted and I requested for an order to travel to the U.S. leaving my daughter with my parents while the pendency of the Supreme Court proceedings. Both the Supreme Court and the Family Court did not give me a written order that would safeguard my daughter's custody with my parents in my absence. I was verbally told that there was no restraint on my travel and if the father took the child again, it would be at his own peril.

**April 2015:** With a heavy heart, I explained the grim situation to Roshni in a way she would understand. I assured her that I would keep coming back for her until I took her back to her home in the U.S. and I traveled to the U.S. to resume work and to take care of my financial liabilities. At that point in time, I thought that was a very strategic move and the judiciary would see that the custodial parent does not live in India and the child needs to go back to the U.S. My poor girl was heartbroken when I had to travel and we would stay on phone, iMessage or FaceTime most of the time even when I was on the airplane, even when one of us would sleep on the FaceTime. But that only lasted for 2 days and she was re-

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abducted by her father. He took her for visitation from my parent's house and never brought her back. April 22, 2015 was the last time she called me on phone, crying breathlessly – *"Mamma, as soon as you come back, please pick me up from here"*. After that all communication was dropped again.

**May 2015 (Interim Custody Order - Violated):** My old parents filed complaints with the law enforcement and through legal representation, I sought the enforcement of the High Court interim custody order in the Supreme Court of India, where my jurisdiction challenge petition was pending. In my absence, after an in-chamber hearing where Roshni was present, the Supreme Court of India ordered that as and when I went back to India, I could take Roshni back with me, as an interim arrangement, so long as I deposited my Passport at the Supreme Court registry.

Considering the trauma Roshni was going through due to forced separation over and over again, I felt there was nothing more important at that time than to go back to Roshni. I immediately filed for another unpaid leave of absence and my employer, Amazon, was very empathetic with my situation, granted the exceptions I requested and did not terminate my employment. I flew back to New Delhi and surrendered my passport to the Supreme Court of India on May 25th, 2015. I got a compliance notice for the father that would help me take Roshni's custody.

I was shocked when the father outrightly refused to even look at the notice, refused to hand over the custody and willfully disobeyed the Supreme Court order. All my attempts to get the order enforced went in vain. Delhi Commissioner of Police and all law enforcement officials told me that I needed clear directions from the Supreme Court before they could take any action against the violator.

**June - Nov 2015:** I kept going back for Roshni and would cry my heart out on the street but neither was she allowed to step out to respond to me nor was I given even a glimpse of her. I filed a Contempt Petition with the Supreme Court seeking directions to the Police for enforcement of the custody order but absolutely no action was taken. The father got away by saying Roshni didn't want to come back to me and instead I was reprimanded and punished for leaving my daughter and traveling to the U.S. After over a month, Roshni was called to the Supreme Court again by the same bench who had issued the custody order previously. This time she was called at a very short notice and had a dialogue with the judges in an open court. She looked pale, confused and jittery as she passed me knowing I was there but didn't dare look at me in the eye as if she knew she was going to break my heart and didn't want to face me. Poor little girl probably faced the toughest question of her life - *"dad or mom?"* As she walked back, I kept calling her and as I approached her, I was not allowed to even embrace her and told she was already traumatized. A mother was not allowed to console her daughter and Roshni was sent back with the father. I felt disowned by my own daughter, dejected, shattered and speechless. I couldn't understand why in a month's time, Roshni just turned her back on me instead of running to me, embracing me and melting in my arms which is probably what she wanted to do. But a child who has been a victim of abduction, not once but twice, with fear of sudden separation from her mother over and over again and suppression of emotions by her own father, can be very well expected to hide her true feelings. It was nerve wrecking to see Roshni walk up to the high pedestal of the judges in a huge courtroom with so many unknown intimidating faces all around and most of all the father sitting right in her line of sight of every single second. Maybe this was her way of coping and saying no to abduction for the third time by maintaining a status quo with her father.

An order was given for me to meet with Roshni for three days in a neutral place and try my best to connect with my own flesh and blood living outside of my body. We met for 2 hrs in the father's presence the first day. During a few unsupervised minutes I got with her, she expressed that she was really confused and sad to see me cry in the courtroom and didn't know what to do. She told that she was not allowed to call me or see me whenever I showed up for her and screamed from the street so she stayed indoors. Before she left that day, she also told me clearly – *"if I don't come tomorrow, you don't cry or get nervous. Papa may say Roshni does not want to meet mamma, but you don't cry ok?"* That was the last time Roshni spoke to me heart to heart. Next two days the father showed up for visitation but stayed in the car and didn't even roll the windows down for me to talk to her. She kept staring at me and following all she was asked to do. I could see the helplessness in her eyes but I was helpless myself.

After that, I went to the court several times and a court ordered mediation for the third time where I was supposed to meet with Roshni in the supervision of a senior mediation lawyer but neither did the father bring Roshni for mediation nor was he questioned or any decision was given for compliance of custody order issued before. **In spite of being in Delhi for months, 5 minutes away from my daughter, I had no access to her. During this period I lost my daughter again. This time I lost her to Parental Alienation.** I went to her school and she refused to see me and I was escorted out of the school by security because the father had given an application that I was a threat and could kidnap my daughter. I had an option to come back to the U.S. as I waited for the proceedings but I lingered as I felt Roshni needed me and I couldn't leave her behind.

**Nov 2015 (2-week Custody Order - Interfered):** After multiple hearings, in another in-chamber hearing, Roshni was interviewed and then I was asked to interact with Roshni for a few minutes. Based on that, the Supreme Court gave another interim custody order stating *"we consider it just and proper and in paramount interest of child"* that the custody is to be given to the mother. But they only gave us 2 weeks and called all three of us back to the court for yet another in-chamber hearing – for the fourth time. These chamber hearings were taking a toll on Roshni and it was very hard to see her handle the burden of choosing a parent.

The father still got voluntary visitation at my place but he totally interfered with the order and did not allow me to spend any time to connect with her. He would take Roshni every single day at 4 pm and drop her for bed time after 11 pm and then show up again when I dropped her and picked her up from school. Roshni was programmed to resent me and cry if I kept her with me according to terms of the custody order. My sole focus was to keep Roshni happy and reduce her ongoing suffering so I made peace with the 2-3 hours I got with her every day but things between me and Roshni were not the same. When previously she was with me in India at my parents' house, she used to get so anxious if she didn't see me around her. But after she was abducted the second time in India, her soul was taken over by her father. The father had created a rift between us.

**Dec 2015:** Finally after 2 weeks, during the in-chamber hearing, Roshni clearly showed signs of extreme manipulation and the Supreme Court of India disposed of the case without a detailed hearing on jurisdiction stating *"It is not necessary to set out the facts of the case in detail"*. Roshni was sent back to her father (abducting parent even after recognizing heavy tutoring at the hands of the father, and the New Delhi Family Court was directed to decide the case in a timely manner.



Although I do not live or work in India, I was given a one-day visitation and no phone/Skype access which was yet another setback. After a disappointing end to a painful chase, with almost a year of unpaid leave of absence from work, I was on the verge of losing employment as well. So I got my passport back and returned to the U.S. - without my daughter. I have had no access whatsoever to Roshni since then.

**March 2016:** I filed a review petition and the Supreme Court of India dismissed that as well. Family Court has not given a decision on jurisdiction in almost two years.

It has been over 7 months since the Supreme Court of India disposed of my case and Family Court took over. It has been over 7 months since I connected with my daughter. It has been over 2 years since abduction. I sincerely hope that while Justice is surely delayed, Justice will not be denied.

Roshni is a U.S. Citizen by birth and lived all her life in the U.S. until her abduction. I initiated divorce proceeding in a timely manner and had an emergency custody order from the Virginia court, where Roshni was habitually residing and where the original jurisdiction lies. Father was duly served for all hearings. I had a court hearing transcript with additional supporting facts pertaining to the abduction incident. I was under the impression that no one could keep me away from my daughter, a girl child at such a tender age forcefully and abruptly separated from her natural mother by her own father who had a history of alcohol abuse and domestic violence in the U.S. Moreover, there has been no Divorce petition in India. Yet, Roshni remains wrongfully retained in India without a valid U.S. passport and a valid Indian visa. The absconding father, a child abductor, who has been unemployed in India was rewarded with the interim custody of an abducted child by the Supreme Court of India. I am still embroiled in Family Court proceedings and hope that while Justice is surely delayed, Justice will not be denied.

Courts in India took a straightforward child abduction case and turned it into a complex, international, legal web. It's like going to the Emergency room to seek medical help for a bleeding finger and the doctors end up performing an open heart surgery on you, without anesthesia.

**I feel legally humiliated and emotionally exhausted aided by lack of laws & awareness, systemic delays and insensitivity of the judiciary in India.**

But most importantly, the suffering our children are going through, is unpardonable. The psychological trauma and the ordeal that my little girl has suffered over the past 2+ years, gives me a searing pain through my being. She is barred from seeing her mother whom she loves dearly. Parental Alienation is child abuse! Parental Child Abduction is child abuse! **How can child abuse go unpunished for so long? How can Roshni's Government fail her? Why is the United States so powerless in helping her own children and citizens? How can the world's largest democracy, India, become a safe haven for child abductors?**

I can't emphasize enough on the anger, frustration and this sinking feeling of failure that I choke on every single morning I wake up and every single night when I go to bed - **Despite being a mother of a young girl, despite staying in India for almost 1.5 years with multiple custody orders in my favor not just from the U.S. court but also from multiple courts in India including The Supreme Court of India,**

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**despite recognition of parental alienation, despite having a history of abuse in the U.S., despite everything - I could not reunite with my daughter and bring her back to the country that was home to her, where she was born and uprooted from.**

## Challenges Victims of IPCA face in re-uniting with their Children who are abducted to India:

- *Left behind parents, regardless of gender, ethnicity and nationality face extreme challenges in India, to seek the return of our abducted children, wrongfully retained in India;*
- *India's duplicitous treatment of IPCA cases, depending on whether they are inbound or outbound, raise serious doubt about India's commitment to upholding rule of law, rights of children and families;*
- *Indian courts often choose to re-litigate custody decisions already made in the best interest of the child by courts where the child resided prior to the abduction, children are rarely returned to their countries of habitual residence;*
- *Litigants in Indian Courts face long and costly delays, left behind parents rarely get access to their children, children are systematically alienated from their left behind parent and child abductors are awarded custody of victimized children based on a flawed assessment of "welfare of children";*
- *Cultural and gender bias are pervasive in Indian society and the Judiciary isn't immune. Upon reaching India, abducting mothers routinely file false cases of domestic violence (DV) and dowry (IPC 498A) charges against their husbands and in-laws, which cause severe hardships, including incarceration of victims of IPCA. Many Indian Judges and victims have described the misuse of these laws as "judicial terrorism", yet the problem persists;*
- *It is no coincidence that India is regarded as a "safe haven" for child abductors from the United States and other nations, who take advantage of a favorable Indian judicial system, and face no consequences for their wrongdoing;*

Over the last few years, left-behind parents like me who testified before this committee have shared our harrowing stories, however we continue to face unresponsive, often hostile legal and cultural environment in India when it comes to seeking justice and return of our abducted children.

Bindu Phillips, seeking return of her twin boys Albert and Alfred for 8+ years at the May 2013 hearing pleaded with the U.S. Congress - *"I pray that the story that I shall continue to recount to you will move you to help me seek justice for my family; that you will decide that Sunil Jacob should no longer be permitted to act with such callous impunity and harm our children in the process. I have done everything that I can think to do in this nightmarish situation, and I will never give up on my children. Yet, I am here because I can no longer fight the good fight on my own. I respectfully request that you help me to make my voice heard in a way that shall be meaningful and allow me to be reunited with my children who need the love and nurturing of their mother."*

Ravi Parmar, co-founder of Bring Our Kids Home, seeking his son Reyansh for 4+ years, called for action in the June 2015 hearing - *"We are not demanding any special favors from our government. But when parents are being left behind twice, once by the abductors and then by our own government, to fight a state machinery in another country, without direct and sustained U.S. government intervention, it is no coincidence that for every Sean Goldman, there are hundreds of Reyansh Parmar."* As Theodore Roosevelt said - *"No man is above the law and no man is below it; nor do we ask any man's permission when we require him to obey it. Obedience to the law is demanded as a right, not asked as a favor."*

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Dr. Samina Rahman, seeking return of her son Abdallah for 2+ years stated in July 2015 hearing - *“Our children are victims of a crime, a crime that if a stranger commits, society would be outraged by it, but because it is committed by a parent, our victim children don’t get the justice they deserve.”*

I am hoping that by sharing my personal story today, I am not only seeking Roshni’s prompt return, but also seeking the return of Alfred, Albert, Reyansh, Abdallah, Nikitha, Vihaan, Indira, Rhea, Trisha, Pranav, Kireeti, Krish, Kashvi, Archit, Ishaan, Siva Kumar, Avantika, Aryan and many more voiceless, American children, who are being denied the love of their left behind mother or father, whose human rights continue to be violated in a Nation that we all admire and one that shares our values, yet is unable to deliver justice to innocent victims of this heinous crime.

## Additional Challenges in India

### Custody Orders in India – ignored, violated, appealed, reversed

I want to underscore that getting favorable orders in India does not guarantee in any way the execution of those orders. Even those rare instances when the custody of the abducted child is ordered to be handed over to the left behind parent and the child is ordered to return to the country of habitual residence, these orders are hard to enforce. In almost all the instances, U.S. Court orders for American children abducted to India, are never enforced.

In other instances, return orders get appealed, orders are violated, local law authorities do not intervene in civil matters, contempt petitions linger on, counter lawsuits against seeking parents pile up, abducted children grow up and are alienated due to prolonged separation from their left behind parent. An everlasting legal battle denies justice and drains left-behind parents and their families emotionally, physically, and financially.

Rex Arul (seeking father) got directions from the Madras High Court in July 2011 that his daughter Rhea should be returned to him in Georgia within a week, but Rhea continues to stay in India after 5 years of that judgment. As part of the sesquicentennial celebrations of this High Court, this judgment, which was celebrated as a “landmark judgment” in the annals of this court’s 150+ years, is yet to reunite this child with her Father in the U.S. despite 5 years have since passed.

In Sanjeev Majoo’s (seeking father) case, Delhi High Court, in May 2011, based on the comity of courts principle, declined to exercise jurisdiction and awarded the custody of the abducted child Kush to the father. However, the Supreme Court of India reversed this order saying every child wrongfully taken or abducted to India will have its fate decided by the courts in India. Naturally, this is what incentivizes abductors to take the children and flee to countries like India, making it a “safe haven.”

Bandi Jagadrakshaka Rao, in July 2013, got the order from Supreme Court of India to bring his son, Anand, back to the country of original jurisdiction and the fact that the son was thoroughly brainwashed against the father was clearly highlighted. Despite that order, it took almost 3 more years, multiple court hearings, further damage to father and son’s relationship before there was another order in March 2016 to get the previous custody order enforced. In this case at least and at last, justice was served and Anand came home recently. But it came at a colossal cost. Anand was abducted to India – not once, but twice – and BJ Rao had to sell his home in Seattle, leave his job in the U.S., go to India and litigate in person since 2008. This victory was attained after 9 painful years of international litigation and innumerable trips to India during that time.

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The tragic and mysterious death of a 6-year old American child, in the wrongful custody of her mother in Mumbai, India in April 2016, is being investigated by the Indian law enforcement agencies. Kiara was denied the affection and presence of her loving father and two elder sisters, who remained separated in the United States since her birth. Dharmesh Ved, Kiara's father had sole legal custody of Kiara, via an order obtained from the Kansas Court, a contested legal suit. Dharmesh was able to obtain favorable Indian Court orders, however Kiara's unnatural death while appeals were pending at the Supreme Court of India should be a wake-up call to both our Governments to take much needed, urgent and decisive actions to protect victimized children from the harsh realities of IPCA. Unnatural death of Kiara is now a matter of Criminal Investigation under the aegis of the Supreme Court of India and the Indian law enforcement agencies purportedly have kept the U.S. DoS abreast of their findings. Every parent's nightmare – fatal loss of their child – is a harsh reality, when it comes to IPCA.

## India's Unfair Treatment of IPCA – Encourage Child Abductions

### India Differentiates Between Inbound and Outbound Child Abduction Cases

For years, left behind parents have been informed by legal experts, U.S. and Indian government officials that "India does not recognize parental child abduction as a crime". This contradicts long standing Indian statute like the Guardians and Ward Act, 1890 (paragraphs 9 & 26), as well as publicly available information emanating from India that show India's response to IPCA isn't uniform and based on arbitrary determination of "child's best interest".

Inbound international parental child abduction is not recognized as a crime in India. Indian Courts even fail to make findings that state children have been abducted from their habitual homes in the United States (or other Nations) to India, and are being wrongfully retained in India. Thus inbound child abduction cases to India are often treated as "routine child custody" cases. Indian Courts use arbitrary standards to determine "child's best interest" and wrongfully assert jurisdiction on foreign nationals and Non-Resident Indians (NRIs).

On the other hand, recent outbound child abduction cases from India show that Indian Courts and Law Enforcement do in fact recognize parental child abductions as a crime and will not hesitate to apply all legal tools to seek the return of abducted Indian children wrongfully retained in other Nations.

Case in point is the 2015 abduction of an Indian national child from the Indian city of Pune to Venice, Italy, wherein the Bombay High Court found that the child was abducted by her father to Italy and ordered India's Central Bureau of Investigation (CBI) to open a criminal investigation into the abduction of the child, issue Interpol Red and Yellow notices and initiate extradition proceedings. The order also directed the Indian Ministry of External Affairs (MEA) to seek the Italian Government's assistance in securing the return of the child and her abducting father to India.

These issues aren't limited to just one High Court in India. Recently on July 2, 2016, public remarks by the Chief Justice of India were published for "India must be aware of emerging international law" ([Exhibit B](#)), that the order of an abducted child's custody in favor of a left behind father "*could not be mechanically enforced by the Indian courts*".

*"US courts have a different approach. Can Indian courts ignore to a situation where the mother of a child was not represented in the US court and was incapable of doing so on account of paucity of means," the Chief Justice said, pointing out that in such a situation, the welfare of the child would weigh with the*

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*Indian court.”*

*“Indian courts would not be guided by Hague (Child) Abduction Convention that provides for an expeditious return of the child abducted by a parent and taken to another country.”*

These statements raise significant concerns for left behind parents like me, who are seeking justice from Indian Courts. I urge the Chief Justice of India to help us -- the victims and survivors of IPCA, that we aren't victimized twice and that the abducting parents, regardless of their gender, aren't rewarded for their wrongdoing, which is in line with the Indian courts' jurisprudence to not allow wrongdoers get the benefit of their wrongdoing.

### India's Position, Hurting Children

Left behind parents from the U.S. face significant cultural bias and gender stereotypes in India. Publicly and privately, Indian officials state that “India has a responsibility to protect those who are fleeing abuse from other nations”. A euphemism used to describe women of Indian origin who claim “abuse” in their countries of habitual residence, go to India and seek criminal and civil remedies in India.

As a victim of domestic violence (“DV”), I empathize with anyone who has suffered the consequences of DV. However as a law abiding citizen, **I do not support child abductions in the name of “escaping” abuse from DV, especially those mothers who abduct their children to India from the United States where there are robust protections for victims of DV. The negative consequence of child abductions on victimized children, cannot be justified by such allegations, and for the Government of India to not offer any protections for our victimized children and failure to hold child abductors accountable, has no moral or legal standing.**

Vikram Jagtiani's daughter Nikhita was abducted from New York to Mumbai three years ago by her mother. Almost immediately, she filed false DV and other criminal charges not only against Vikram but also his family including an 80 year old aunt. She also obtained an *ex-parte* order from an Indian Court to prevent Vikram from asserting any custodial right. The alleged criminal charges have prevented Vikram from traveling to India and he has not been able to meet with his daughter for 3 years.

Laws such as “Indian Penal Code 498a” (Anti-Dowry law) and “The Protection of Women from Domestic Violence Act 2005”, are designed to address social issues that impact Indian society. However, these laws are often misused by mothers who abduct their children to India, as a tool to harass and intimidate left behind parents and their families who live in India. The alleged criminal charges prevent left behind fathers from traveling to India for months or years, thus prolonging the wrongful separation from their children.

Ironically, while these laws are misused by abducting mothers in India, for left behind mothers like me, abuse incidents that were not reported in India are not given due consideration during legal proceedings in India and we are advised and expected to reconcile with the abducting father and relocate to India for the sake of the child(ren) and family. Many seeking mothers like me moving heaven and earth to reunite with our kids abducted to India – including Dr. Samina Rahman and Swati Binaykia are subject to the same emotional blackmail and scrutiny in the name of cultural orientation.

India's Ministry of Women & Child Development (MWCD) is aware of the misuse of these laws in India. However, it continues to remain silent on its flawed enforcement. MWCD also appears to be a key ministry tasked to address the issue of IPCA in India. Their mission is:

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*“Promoting social and economic empowerment of women through cross-cutting policies and programmes, mainstreaming gender concerns, creating awareness about their rights and facilitating institutional and legislative support for enabling them realize their human rights and develop to their full potential.2. Ensuring development, care and protection of children through cross-cutting policies and programmes, spreading awareness about their rights and facilitating access to learning, nutrition, institutional and legislative support for enabling them to grow and develop to their full potential.”*

The MWCD, appears to speak on all sides of the IPCA debate, thereby raising serious doubts about its commitment to protecting children’s rights, distinctly from its agenda for women’s empowerment in India.

Minister Maneka Gandhi, who heads the MWCD, on June 24, 2016 tweeted ([Exhibit C](#)) her recent request for a policy change to seek waiver of “father’s consent” requirement for “separated parents” to obtain an Indian visa for a foreign national child, on the grounds that “women & children are not put to hardship”. This request clearly misses the point on dual-parent consent to obtain visas for children and appears to favor one parent over the other based on their gender. This request also puts American children and children of other nationalities at a high risk of abduction to India and we urge that the well-founded protection for children against parental abduction is not undermined by the Government of India.

Two days earlier, on June 22, 2016, the MWCD posted the draft Bill on its website, which would implement the Hague Abduction Convention, in the event India accedes to it. While I personally welcome this development, I am concerned that given the MWCD’s dual missions and track record, further progress on IPCA in India will require clear and unwavering commitment from the Government of India, including the MWCD to ensure all IPCA cases are treated fairly regardless of the abducting parent’s gender, ethnicity or nationality, in a timely manner.

### [Child Abductors in India Spreading Misinformation - Putting Children At Risk](#)

Earlier this year, a group of abducting parents and their attorneys in India, calling themselves “India is Home For Our Kids”, started a campaign to present a distorted, counter narrative of IPCA cases and justify child abductions to India. They use emotional, pseudo-nationalistic arguments to deny existence of parental child abductions and oppose India’s accession to the Hague Abduction Convention.

Comments posted by members of this group, in response to an article, [“Parents of abducted kids seek justice from Obama”](#), highlighting efforts by Bring Our Kids Home, raise serious concerns about victimized children’s well-being in India, and highlight the pervasive legal and cultural challenges left behind parents face in India ([Exhibit D](#)).

The comments are disturbing on multiple levels, show how children, victims of IPCA in India have been alienated from their left behind parent/family, and are now being exploited by a group of child abductors and their supporters, to present a perverted narrative on IPCA to the Governments of India and the U.S.

I urge the Government of India to view the issue of IPCA from a children’s rights perspective, understand the severe consequences on their development and avoid linking the issue of IPCA in anyway antithetical to women’s rights.

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## U.S.-India Joint Statement: a Recent Development in India

Left behind parents from across our country have been seeking more assistance from our Government and President Obama to intervene on our children's abduction cases. After intense efforts from the parent community, we are beginning to see some results. The India-US Joint Statement signed during the visit of the Indian Prime Minister to USA in June 2016, agreed to make the resolution of cross-country marriage, divorce and child custody a bilateral priority. While the statement below is a welcome move by both Governments, we hope both Nations will provide urgent and much needed relief to victimized children and parents.

*"48) Recognizing its mutual goal of strengthening greater people-to-people ties, the leaders intend to renew efforts to intensify dialogue to address issues affecting the citizens of both countries that arise due to differences in the approaches of legal systems, including issues relating to cross-country marriage, divorce and child custody."*

India's [Ministry of Women and Child Development \(MWCD\)](#) recently published draft implementing legislation, "[The Civil Aspects of International Child Abduction Bill, 2016](#)", which is necessary for India's accession to the Hague Convention on the Civil Aspects of International Child Abduction 1980. MWCD also posted a [statement](#) explaining why India must sign the Hague Convention and requested suggestions/comments from the public by July 13, 2016. One key gap in the draft legislation is its lack of applicability for pre-Hague cases. This not only concerns me, but also other left behind parents who have pending cases in India. I urge both the nations to ensure that victims of IPCA to India, whose cases are pending must be resolved on an urgent basis and a bilateral framework be implemented prior to India's ratification of the Hague Convention.

## Call for Action

- It has been almost 2 years now since the Sean and Goldman Law came into effect. The 2015 IPCA Annual report did not meet Congress' and our expectations. The 2016 IPCA Annual Report had been delinquent for over 2 months and released just this week. I urge the U.S. Congress and the current Administration to take all necessary steps to raise awareness about IPCA with all of the non-Hague signatory nations, starting with those nations who have been identified in the 2016 Annual IPCA Report as showing patterns of non-compliance, including India.
- I ask that this Committee, play an active role in overseeing the Departments of State and Justice when it comes to the issue of IPCA. Too many victims aren't getting the needed help. Very few cases of IPCA are prosecuted by the DOJ and even fewer extraditions are processed. This must change!
- I ask each member of Congress to do everything in their power to assist each constituent, who is a victim of this heinous crime. Without your sustained efforts, we know our kids cannot come home;
- I ask this Committee to actively engage with officials from India and other nations, where American children have been wrongfully retained and seek freedom for our children and help bring our kids home!
- I ask the Government of India to uphold the rule of law, do the right thing for our children and put in place robust protections to ensure abducted children are returned home promptly, regardless of their country of origin, ethnicity, the gender of the abducting parent;
- I ask President Obama and Prime Minister Modi to fully live up to the commitments you signed in June 2016, to put the return of abducted American children at the front and center of our foreign policy goals and build a strong foundation for our societies, safeguarding our children and families.

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## Stand By Our Children!

I continue to seek justice and Roshni's return. I continue to work and pay off the old and new debt. Roshni's father continues to hold our daughter as a captive, block all access to her, damage my relationship with her beyond repair and erase me from her life.

Roshni is the primary victim of a crime, perpetrated not by a stranger, but by her parent. She deserves to be loved unconditionally by both parents – not held as a hostage thousands of miles away.

The biggest challenge I face is to stay positive, think big and long-term, regardless of the outcome of the legal proceedings and its repercussions, **I must prevail. I must prevail for my daughter, for myself and for our better future. I must continue to fight to Bring Roshni Home and continue to fight to Bring all Our Kids Home and be able to look back in retrospect to tell my daughter, my lodestar, that I didn't give up and 'you' are the one who helped me weather the biggest storm of my life!**

I am often sighted carrying a teddy bear. Not many people know that what I carry is my Hope. My Hope - may be deferred, may get dwindled but I strive to revive it and keep it alive. Roshni's bear Rilley accompanied her when she was abducted to India. Then Roshni sent her back with me saying - "*I can't go back but take Rilley Home*". Roshni's bear made it back. So will she.

Earlier this month, one of the greatest Holocaust survivor Elie Wiesel passed away. I wish to close my testimony with his words that truly echo in my heart - "To listen to a witness is to become a witness and that consoles us". It consoles our abducted children, left-behind parents and by listening to our testimonies, you have become witnesses yourselves.

Thank you once again, Chairman Smith and this Committee for given me a chance to speak for Roshni and our children abducted from the United States to India.



Art by Roshni: 2015



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## Exhibits

### Exhibit A – Excerpts from Indian Court Orders

- **Excerpt from Delhi High Court Order Dated Sep 5, 2014:**

*“We have been informed by the learned counsel for the petitioner that the custody of the petitioner’s minor daughter is with respondent No.2 from 15.04.2014. **That as a natural mother she has been deprived of all access to the said child, who is aged about 6 years; that the child has been brought to India by the father- respondent No.2 without the mother’s consent.** We are of the view that the girl child of such tender age needs the constant care and affection of her mother. She cannot be deprived of her natural right to maternal affection and vice-versa. It would be in the child’s interest that the mother have immediate access to and care over her. **Therefore, pending consideration of the present writ petition, we direct respondent No.2 to handover the temporary custody of the child to the petitioner today itself.** However, during this period of the custody, respondent No.2 shall be entitled to meet the child at least once in two days for about 1-2 hours. We are informed that the child’s parents reside in the same neighbourhood. **We also direct that the child shall not be taken outside Delhi or outside the country without permission of the Court.** We further direct that the child’s attendance to school shall not hindered by either of her parents.”*
- **Excerpt from Delhi High Court Order Dated Nov 7, 2014:**

*“Counsel for the respondents resisted the proceedings and contended that the respondent’s custody of minor Roshni is lawful and that the court should vacate the order dated 5.9.2014. It is also submitted that now that the custody and guardianship proceedings are pending before the proper Court being G.P.115/2014 (before the Family Court, Tis Hazari Courts), habeas corpus would not be appropriate proceedings, and that **the competent Court should be left free to consider and make the suitable orders on the merits of the dispute uninfluenced by the observations of this Court.**”*
- **Excerpt from Supreme Court Custody Order Dated May 14, 2015:**

*“In the circumstances, we deem it appropriate to direct the Registry to list the special leave petition on the 2nd July, 2015 for hearing. In the meanwhile, the child will continue in the custody of respondent no.2 father. However, **as and when the petitioner mother returns to India, she is entitled to take the custody of the child** in terms of the impugned order of the High Court **subject to further condition that the mother will surrender her passport to the Registry before taking custody of the child.**”*
- **Compliance Notice to father from Supreme Court Registrar dated May 25, 2015:**

*“Sir, I am directed to inform you that in compliance of the Hon'ble Court's order dated 14.05.2015 passed in the matter above mentioned, Petitioner-Mother namely Ms. Ruchika Abbi along with her Counsel has surrendered her passport to this Registry today i.e. 25.05.2015 in the afternoon. **You are now required to ensure compliance of the Hon'ble Court's order dated 14.05.2015, a copy of the same is enclosed here with regarding custody of the child to the Petitioner-Mother, and submit a compliance report at the earliest.**”*
- **Excerpt from Supreme Court Custody Order Dated Nov 20, 2015:**

*“We have heard learned counsel for the parties, petitioner No.1-Ruchika Abbi and petitioner No.2, the child (Roshni Seth) in Chamber. So far as child is concerned, we interacted with her individually,*

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and later with petitioner No.1.

Having heard learned counsel for the parties and after interacting with child alone and then in company of petitioner No.1, **we consider it just and proper and in paramount interest of child to pass the following order until further orders:**

1) **The custody of child (Roshni Seth) be given to the mother-petitioner No.1 till 7th December, 2015.**

2) *The child (Roshni Seth) shall attend the School regularly where she is going to School but she will remain in the custody of the mother as directed above.*

3) **Respondent No.2-father is also allowed to have a visitation right to meet the child at petitioner's residence as per the convenience of all parties on regular intervals, till 7.12.2015.**

4) *We expect cooperation from both the petitioner and respondent No.2 and also from their family members in this matter so that welfare of child is taken care of in letter and spirit that being the paramount interest in such matters..."*

- **Excerpt from [Supreme Court Case Disposal Order Dated Dec 9, 2015](#):**

*"...It is not necessary to set out the facts of the case in detail except to state that the dispute which revolves around between the parties (wife-appellant herein and husband-respondent no. 2 herein) is essentially in relation to the custody of their minor daughter-Roshni...*

*..Having heard the learned counsel for the parties and having interacting with the child, we feel that it would be just and proper to direct the Family court, which has seized of the main custody case (Guardianship case No. 115/2014) to dispose of the pending main case, i.e., Guardianship case No. 115/2014, on merits **preferably within six months** as an outer limit strictly in accordance with law keeping in view the paramount interest and welfare of the child and all relevant factors necessary for deciding the custody of minor child uninfluenced by any of our observations.*

*..During the pendency of the main custody case, **the temporary custody of the child-Roshni will be with the respondent no. 2 - i.e. husband/father.** The respondent no.2 will drop the child on every Saturday by 6.00 pm. at the petitioner's residence and collect the child by 6.00 pm. on the next day (Sunday).*

*..We hope, trust and expect from the appellant and respondent no. 2 to cooperate with each other for the sake of their minor child's welfare and taking advantage of temporary custody of the child not to influence her innocent mind by tutoring her and create hatred against others for their personal interest-a fact, which we unfortunately noticed while interacting with the child on two occasions. Indeed, we feel that such attempt on their part and especially, respondent no.2 may do more harm to the child in long run."*

Exhibit B  
[The Shillong Times:](#)

India must be aware of emerging international law: Chief Justice of India, July 3, 2016

The screenshot shows a web browser window with the URL [www.thehillongtimes.com/2016/07/03/india-must-be-aware-of-emerging-international-law-cji/](http://www.thehillongtimes.com/2016/07/03/india-must-be-aware-of-emerging-international-law-cji/). The article text is as follows:

New Delhi: Chief Justice of India T.S.Thakur on Saturday said in the ever-shrinking world "we must be aware of the international law" and deal with the emerging scenarios.

"We must be aware of what is happening in the world, prepare for it with an ability to deal with them," the Chief Justice said in his inaugural address at a seminar on 'Principles of The Engagement of Domestic Courts with International Law' held here.

The seminar was organised by the regional chapter of the International Law Association.

Thakur said in the globalised world political borders may still have some relevance but the economic borders have become irrelevant.

The speed and dimension with which international laws were emerging and shaping, they have gone beyond the comprehension of any nation, he said.

Referring to the conflict of jurisdiction of different countries, the Chief Justice said decisions of the courts in one country would lose their efficacy unless the regimes in other countries respected them.

However, he said the duty of the Indian State to follow or conform to the international law has to be read harmoniously with the provision of the Constitution and the prevailing laws.

Giving an example, Thakur said the order of the child's custody in favour of an NRI father could not be mechanically enforced by the Indian courts.

"US courts have a different approach. Can Indian courts ignore a situation where the mother of a child was not represented in the US court and was incapable of doing so on account of paucity of means," the Chief Justice said, pointing out that in such a situation welfare of the child would weigh with the Indian court.

He said the Indian courts would not be guided by Hague (Child) Abduction Convention that provides for an expeditious return of the child abducted by a parent and taken to another country.

Referring to the areas like ocean, space, refugee crisis and environment where international law has an important role to play, the Chief Justice said emerging economies including India could not be penalised for the 'greenhouse effect'.

It is the developed countries like America that have been emitting carbon, contributing to greenhouse effect. They must pay under the principle of polluter pays, Thakur said.

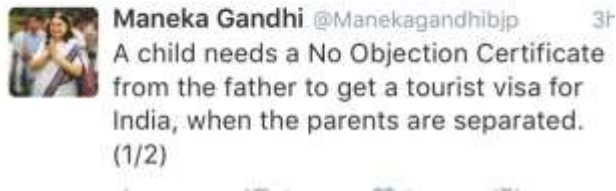
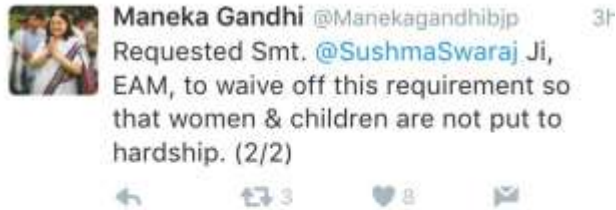
"If you have an international law that polluter pays, then then those who have polluted must pay," he said.

(IANS)

Testimony of Ruchika Abbi for Roshni Seth, July 14, 2016

### Exhibit C

India's Minister for Women and Child Development's tweeted a request for policy change to seek waiver for "No Objection Certificate" from fathers who are separated. This policy change poses severe risk for parental child abductions to India.



Series of tweets by India's Minister for Women and Child Development, to develop standard operating procedure to "tackle problems" of "women in distress on account of NRI marriage". The Ministry has not posted any requests for suggestions, and based on earlier tweets seeking waiver for dual parent consent to obtain Indian visa for children, any policy decision on cross-national marital issues could result in more child abductions to India from U.S and other nations.



PIB India and 4 others

44 retweets, 97 likes

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## Exhibit D

[The Tribune](#) newspaper:

“Parents of abducted kids seek justice from Obama”, April 20, 2016

Comments by abducting parents in India



The screenshot shows a web browser window with the URL [www.tribuneindia.com/news/world/parents-of-abducted-kids-seek-justice-from-obama/225082.html](http://www.tribuneindia.com/news/world/parents-of-abducted-kids-seek-justice-from-obama/225082.html). The page title is "Parents of abducted kids s...". A comment by user "Anti-Hague-And-Anti-CPS" (Ruchika Abbi, 2 months ago) is visible. The comment text is as follows:

**Anti-Hague-And-Anti-CPS** → Ruchika Abbi · 2 months ago

You are more than welcome! Because of you really haven't filed criminal charges then you are the exception to the rule. Most of the other people who commented here have !! Also if you tell me a family court in USA does not issue a warrant in such situations not only is it a lie it is unheard of. The moment your spouse lands in USA again they will be arrested.

Also FYI it is indeed expert advice. I am pursuing a Post graduate Diploma in Child Rights!

Also we have been talking to kids of several taking parents and they vouch for the fact that they hate seeing the taking parent having to go to court , struggle for their care and be upset. They are one step short of absolute loathing against left behind parents who filed the charges. They don't want them in their lives and probably will tell that to court. While recently talking to another mom she said that her daughter refused to talk, Skype or see her father until he made his mom stop crying. The child is refusing most of the time not the other parents!

Before you jump to conclusions let me tell you they are being taken care of very well, doing well in academics and extra curricular sand having a reasonably happy life with their extended family. Most of them don't even miss the left behind parents who either ignored them or were abusive towards their moms. They are more than happy to be in India. In my opinion if they feel so strongly about this , they should be allowed to stay back .We will eventually send that report to GOI and in due time to USG.


The children's wishes are paramount and if they want to stay with the TP and in India , they should be allowed to irrespective of the opinion of USG. Your assertions of custody for left behind parents is debatable several TP have custody orders in India after which a USA case is filed as revenge by LBP. So stating what you think as a universal truth is really limited in its use or application .

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Parents of abducted kids s... x +

www.tribuneindia.com/news/world/parents-of-abducted-kids-seek-justice-from-obama/225082.html

Reply · Share

 **AbNaari** · 2 months ago

My advice to women who get adverse custody order in any of the western countries. Come to India as soon as possible with your child.

No Indian judge has any balls to rule against an Indian women.

For leverage get family of your abusive ex arrested and go squat on his properties. Make his families' life hell.

Then only these NRI men will learn and stop their nefarious designs to snatch your child. And in the end you will make him pay big too.


Message to you losers crying in front of Washington DC, you all are momma's boys. I know none of you are man enough. Neither does the mighty army of USA has guts to snatch my child away from me.

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Parents of abducted kids s... x +

www.tribuneindia.com/news/world/parents-of-abducted-kids-seek-justice-from-obama/225082.html

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 **AbNaari** · 3 months ago

If a mother loses custody in US court, what is she supposed to do?

Without custody US court makes a mother pay the father. Fathers in USA fight for custody because they do not want to pay ex-wives for divorcing.

How can a mother who has had her child in her womb for nine months let that child separate from her?

Any child can grow up fine without a father but child can not live without mother. Look at nature or even at Obama.

Where is an Indian woman supposed to go if system everywhere fails her.

In India people still value and respect women. Mothers have no choice but to seek Indian courts' help because NRI men who divorce their wives and try to snatch kids from their mothers need to be brought to justice. These NRI men need to pay for destroying lives of hapless Indian women.

If these activists have guts, they should come to India and say in face to mothers abandoned by NRI men that they are abductors. I dont think they do.

I appeal to courts in India to take suo moto cognizance of this matter of women-insult and nation-insult by these disgusting NRIs.

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