

Having extramarital affair punishable by law in UAE



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LEGAL VIEW

Q: I am a 25-year-old Indian woman married to an Indian man and our marriage was solemnised in the UAE. Currently, our divorce proceedings are pending before the court. My husband left for India in April 2019 and since then, I have had no contact with him. I have come to know now that my husband is having an affair with a woman who resides in the UAE. They met in India and stayed together in a hotel there. Can my husband be convicted in the UAE if I present the hotel bills related to my husband's stay with another woman in India?

A: It may be noted that in the UAE, having an extramarital affair or engaging in a relationship (sexual) without being married is punishable by law. This is in accordance with Article 356 of UAE Penal Code, which states:

“Without prejudice to the preceding two articles, the crime of (consensual sexual relations outside marriage) shall be punished by detention for at least one year; and if the crime is committed against a male or female who is under 14 years of age, or if the crime is committed by coercion, it shall be punished by temporary imprisonment.”

In India, on the other hand, adultery is not a criminal offence since September 27, 2018, as the Supreme Court of the country has repealed Section 497 of the Indian Penal Code related to adultery. But the Supreme Court of India, in its judgment, states adultery may be used as a ground for divorce.

You have alleged that your husband is having an affair with a woman who is a

resident in the UAE and she stayed with your husband at a hotel in India. The alleged crime was committed in India and, therefore, the jurisdiction for any legal proceedings shall be in India and not the UAE. This is in accordance with Article 16 of the UAE Penal Law, which states:

“Provisions of this law shall apply to any one who commits a crime within the territory of the State. The territory of the State shall include its lands and any place under its sovereignty, including territorial waters and air space above them.

“A crime shall be considered to be committed in the territory of the State if any of its constituent acts occurs therein, or if its result has been realised or is intended to be realised therein.”

Mere submission of hotel bills of your husband as evidence that he was staying with another woman in the same hotel may not be considered sufficient proof for the application of your divorce on grounds of adultery either in India or in the UAE. You may need to provide witnesses and

Know the law



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other documentary evidence, such as photos, videos, e-mails and messages exchanged between your husband and his girlfriend to prove the existence of a sexual relationship between them and convince the court. It is recommended that you approach a legal counsel, both in India as well as in the UAE, for further legal advice on this matter.

Know the law



Currently, the visa-on-arrival facility at any UAE airport is not available owing to the precautionary measures taken by the government due to Covid-19.

You can avail of visa upon arrival once Covid restrictions are lifted

Q: I am a Canadian citizen and recently purchased a property in Dubai. But unfortunately, now I am stuck in Canada with no residence of my own as I sold my house here in order to buy one in Dubai. Can I travel to Dubai with my Canadian passport and avail of the 30-day tourist visa upon arrival?

A: It should be noted that as a Canadian citizen, you may travel and obtain a tourist visa on arrival if your Canadian passport is valid for more than six months. Currently, visa on arrival facility at any UAE airport is not available owing to the precautionary measures taken by the UAE government due to Covid-19. Once the UAE authorities allow visitors to arrive in the UAE, you may travel here and avail tourist visa on arrival for Canadian citizens.

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