

IN THE CORONERS COURT
OF VICTORIA
AT MELBOURNE

Court Reference: 2012 / 2202

FINDING INTO DEATH WITH INQUEST

Form 37 Rule 60(1)

Section 67 of the Coroners Act 2008

Inquest into the Deaths of: ASIM KUMAR

Delivered On: 30 November 2015

Delivered At: Coroners Court of Victoria
65 Kavanagh Street, Southbank

Hearing Dates: 12 May 2015

Findings of: JUDGE IAN L GRAY, STATE CORONER

Police Coronial Support Unit Sergeant David Dimsey

I, JUDGE IAN L GRAY State Coroner, having investigated the death of Asim Kumar (also known as Asim Sharma)

AND having held an inquest in relation to this death on 12 May 2015

find that the identity of the deceased was ASIM KUMAR (also known as Asim Kumar Sharma)

born on 2 August 1975

and the death occurred 11 June 2012

at 3/107 Surrey Road, Blackburn North

from:

1 (a) MULTIPLE STAB WOUNDS TO THE CHEST AND BLUNT FORCE TRAUMA TO THE HEAD

in the following circumstances:

1. These cases involve investigation of deaths of two Indian nationals, resident in Australia – a husband and wife couple, Nidhi Parashar (Ms Parashar) and Asim Kumar (Mr Kumar). These deaths were investigated in a similar context to a number of other deaths of Indian nationals within the same timeframe.¹
2. Like the other cases, this investigation considered relevant cultural factors.

FOCUS AND SCOPE OF THE INVESTIGATION

3. The unexpected and violent death of a person is a devastating event. Violence perpetrated by an intimate partner or family member is particularly shocking given the family unit is expected to be a place of safety and protection.
4. In this finding I will explore whether any lessons can be learnt, which might prevent similar deaths in the future. This role is one of two parallel functions of the modern coronial system. The first involves the findings that I must make under the *Coroners Act 2008* (Vic), which requires, if possible, that I find the:
 - identity of the person who has died
 - cause of death (for our purposes this usually refers to the medical cause of the death) and
 - circumstances surrounding the death.

¹ Cases of Indian nationals investigated – Anitha Mathew (2012 2038), Philip George (2012 2039) and Mathew George (2012 2040); Sargun Ragi (2012 4184) Avjit Singh (2012 4188)

5. The investigation I must conduct surrounding the circumstances of a death gives rise to my ability to consider broader issues of public health and safety. These considerations form the second parallel purpose of a coronial investigation into a death. This purpose has been enshrined in the Preamble of the *Coroners Act 2008* (Vic), which sets out that the role of the coroner should be to:
- contribute to the reduction of the number of preventable deaths and
 - promote public health and safety and the administration of justice.

RELEVANT HISTORICAL FACTS

6. Mr Kumar travelled to Australia in 1995 to study commerce and accounting.
7. In March 2006, Mr Kumar's father, Mr Amrit Lal met a relative of Ms Parashar's mother, Asha Rani and discussed the prospect of marriage between Mr Kumar and Ms Parashar.
8. In March 2006, Mr Kumar returned to India and met Ms Parashar. They spent 2-3 hours together and decided to get married.
9. On 11 December 2006, Mr Kumar and Ms Parashar married in India and lived with his parents after the wedding. Mr Kumar returned to Australia in December 2006 or early 2007. Ms Parashar remained living with Mr Kumar's parents for approximately 3 months as she did not have an Australian visa. During this time she confided to her parents that she felt she was treated "like a servant". She also lived for part of the time with her own parents.
10. In March 2007, having obtained an Australian spouse visa, Ms Parashar flew to Australia to live with Mr Kumar.
11. On Ms Parashar's arrival in Australia, she moved in with her husband and his friend, Mr Lalit Sejwal. They lived in this situation for approximately one year. There was conflict and tension between the couple during this period.
12. After approximately 12 months, Mr Kumar and Ms Parashar moved to an address in Surrey Road, Blackburn North and lived by themselves.
13. On 20 November 2010, Mr Kumar was on the telephone with his parents. Shortly after the phone call ended, Mr Kumar argued with Ms Parashar and slapped her to the face approximately three times. Ms Parashar returned to their bedroom, where Mr Kumar attended and apologised. Ms Parashar decided to remain in the relationship.

14. The following day, Mr Kumar again was on the telephone with his parents. After this conversation they argued again and the argument turned physical. Mr Kumar again slapped Ms Parashar to the face. Ms Parashar collected her phone and went to leave the premises. Mr Kumar observed her with her phone and tried to take it from her. Mr Kumar punched Ms Parashar to the face, causing her pain. Ms Parashar began yelling for help. Mr Kumar grabbed a towel and placed it across her mouth to stop her from yelling. Mr Kumar took the phone from Ms Parashar and walked away.
15. Ms Parashar contacted the police who attended. Ms Parashar was observed by police to have redness and bruising to her face, including a blackened left eye and redness to her wrist. Ms Parashar informed the police of what occurred. Mr Kumar was arrested and interviewed in relation to the matter. Police issued a Family Violence Safety Notice whilst Mr Kumar was in custody.
16. The following day, a full intervention order was granted at the Ringwood Magistrates' Court. The order was active for one year and was served on Mr Kumar on 23 November 2010.
17. Mr Kumar moved out of the house for a period of time.
18. On 27 May 2011, Ms Parashar made an application at the Ringwood Magistrates' Court to revoke the intervention order, which was granted. Shortly after this, Mr Kumar moved back in with Ms Parashar.
19. On 1 June 2011, Mr Kumar plead guilty to assaulting Ms Parashar at the Ringwood Magistrates' Court.
20. In June 2011, the couple went to Delhi for a week and appeared to be happy together. In March or April 2012, they went to Bali together.
21. In May 2012, Mr Kumar's parents Amrit and Asim, visited Australia and stayed with Mr Kumar and Ms Parashar.
22. Ms Parashar informed her parents at this time, that upon her return from work, Mr Kumar would lock her in her room and not allow her to leave. Also during this time, Ms Parashar obtained a divorce application, and requested a divorce from Mr Kumar. Mr Kumar refused to sign the papers. After this, Amrit states, it appeared that Mr Kumar and Ms Parashar made up.

23. On the evening of 10 June 2012, Mr Kumar drove his parents to the airport. Ms Parashar wanted to go to the airport with them but as she was ill, was told not to go and she became upset about that.
24. Mr Kumar drove his parents to the airport at approximately 11.00 pm. At about the same time, Ms Parashar phoned her parents in India. Ms Parashar was reportedly sad and upset and stated, "I don't know what is going to happen today." Ms Parashar's father, Jyoti, told her to remain calm and that everything would be okay.
25. After dropping off his parents, Mr Kumar returned to his friend Lalit's house and had a meal. Mr Kumar left at approximately 12.30 am. His friend, Lalit, advised him not to argue or fight with Ms Parashar when he got home. When he got home, Mr Kumar went to bed in the main bedroom.
26. At some time during the night, Ms Parashar went to the main bedroom and repeatedly struck Mr Kumar with a cricket bat to the head area, causing multiple facial and cranial fractures along with the dislodgement of a tooth. She also stabbed him in the abdomen with a knife. The culmination of these actions caused his death. Ms Parashar left the cricket bat and the knife on the bed.
27. She then secured the premises and went to the carport area with a length of rope and a chair. Ms Parashar tied the rope around a rafter, then placed it around her neck and hung herself.
28. The following morning, at approximately 10.30 am, whilst driving out of their premises, neighbours observed Ms Parashar hanging in the carport area. They immediately notified police.
29. Police, ambulance and fire brigade personnel attended. Ambulance officers identified that Ms Parashar was deceased with no signs of life. Blood was observed on the sleeves and socks of Ms Parashar, but no obvious wounds could be found on her person.
30. Police attempted to inspect the premises, but all doors and windows were secured with no signs of activity inside. Police forced entry and searched the premises.
31. Mr Kumar was observed lying on the bed in the main bedroom with a blue pillow across his face. On the bed was observed to be a bloodied cricket bat and knife. Ambulance officers confirmed that Mr Kumar was deceased.

32. Members of the Major Crime Scene Unit noted that there was no damage apparent to any of the windows of the premises and the rear door was locked and secured. The front door had been forced open during entry by police.
33. Forensic pathologist Dr Yeliena Baber attended the scene and inspected both deceased in-situ. Dr Baber observed Ms Parashar to be hanging in the carport of the premises with no apparent injuries, although blood staining was observed to her clothes. Dr Baber observed Mr Kumar deceased on the bed and identified what appeared to be blunt force injuries to his head and sharp force injuries to his abdomen.
34. Investigators concluded that in the early hours of Monday 11 June 2012, when Mr Kumar was lying in bed, Ms Parashar struck him repeatedly with a cricket bat and repeatedly stabbed him with a knife causing fatal injuries. She then went to the carport area with a rope and a chair and hung herself from a rafter causing her death. They concluded that no other persons were involved in the deaths of Ms Parashar and Mr Kumar.
35. Having considered the evidence, I accept that conclusion.
36. Mr Kumar's parents have sought clarification of "*the order of death of Asim Kumar and Nidhi Parashar*"² and of the circumstances surrounding his death, asking whether it was "*as a result of the stabbing and bashing by Nidhi Parashar on 11 June 2012*"³. I will deal with these matters in more detail in these findings, but I can indicate at this point that it can be concluded from the evidence that Mr Kumar died first, having been killed by Ms Parashar, who then took her own life. The autopsy report revealed that the death of Mr Kumar was a result of both the stabbing and the bashing by Ms Parashar on 11 June 2012. Forensic pathologist, Dr Yeliena Barber was unable to identify the order in which the injuries occurred, so it is not possible to definitively determine whether one or the other was the primary cause of the death. I conclude on the evidence, accepting the evidence of Dr Baber, that it was the combination of the multiple stab wounds and the blunt force trauma to the head which caused the death of Mr Kumar.

² Submission on behalf of Mr Amrit Lal and Mrs Asha Kiran, Easton Legal, 30 April 2015

³ Submission on behalf of Mr Amrit Lal and Mrs Asha Kiran, Easton Legal, 30 April 2015

SPECIALIST INVESTIGATION – FAMILY VIOLENCE

37. Mr Kumar's death was included in the Court's Victorian Systemic Review of Family Violence Deaths (VSRFVD)⁴. The criteria for inclusion in the Review are:
- a. the death was caused, directly or indirectly, by an offender through the application of assaultive force or by criminal negligence;
 - b. the relevant parties were or had been (at any point in time) in an intimate or familial relationship as defined by the *Family Violence Protection Act 2008* (Vic); and
 - c. the death occurred in the context of family violence (including evidence of: a history of family violence between the deceased and offender as defined by the *Family Violence Protection Act 2008* (Vic); pending or actual separation; or child custody dispute).
38. The parties involved in this incident were Ms Parashar and Mr Kumar. Mr Kumar's death was directly caused by the actions of Ms Parashar. The parties involved were in an intimate relationship – they were husband and wife. There was an identified history of family violence perpetrated by Mr Kumar against Ms Parashar. There was also a period of separation. Based on this information Mr Kumar's death met the criteria for inclusion in the VSRFVD.

Evidence of Family Violence

39. On 21 November 2010, Ms Parashar made a statement to police, regarding an incident with her husband. I will set out some details from her statement, as they give greater detail to the summary and some context to the background. The statement was made after police were called to 3/107 Surrey Road, Blackburn North, the home of the couple, in relation to an alleged assault. Police observation of Ms Parashar at the time was:

*"...her left eye was swollen and red, she was crying and quite distressed. She explained to us how her husband of 3 years had hit her, and this is not the first time. She had had enough and wanted to make a statement in regards to same."*⁵

⁴ The VSRFVD provides assistance to Victorian Coroners to examine the circumstances in which family violence deaths occur. In addition, the VSRFVD collects and analyses information on family violence-related deaths. Together this information assists with the identification of systemic prevention-focussed recommendations aimed at reducing the incidence of family violence in the Victorian community.

⁵ Inquest brief pg. 115 – Statement of Constable Louise Francis

40. I note that photographs were taken of Ms Parashar's face and wrists and these are on the inquest brief. They show bruising, swelling and redness consistent with the description by the attending police officer, Constable Louise Francis, then of the Nunawading Police Station.
41. Ms Parashar herself, made a statement at the police station. Later at the same police station Mr Kumar was interviewed. The inquest brief does not contain a copy of that interview but I note that, as the summary set out earlier states, Mr Kumar pleaded guilty to assaulting Ms Parashar when the case was dealt with at the Ringwood Magistrates' Court on 1 June 2011. That assault was the subject of the complaint made to Nunawading police by Ms Parashar, supported by her statement, dated 21 November 2010.
42. The passages from the statement that are relevant to illustrate the family violence context of this case are as follows:

"... We have been married for four years.

For the last four years that we have been married he has been hitting me sometimes once a week, other times twice a week. We have been arguing and fighting as well, some of it over sending money to our parents. There was no set time. It only seemed to happen after he had spoken to his parents.

In the past I had told him I didn't want to live with him as we are not happy with each other. He always said no, it will be okay. So I have stayed with him as I love him.

Yesterday on the 20th of November 2010 I had a sleep as I work night shift. When I woke he was on the phone to his mother. We had an argument. He said, "Why you come here (in the kitchen)?" He then said, "You go away. It is my home, not your home. You go away."

I said, "It is my home as well. I am your wife. The way you are treating me it is really hard for me. I don't know if I can live like this. Why are you so upset? Is that your mother, who told you something that you are upset with me again?"

He became angry then, and said, "Don't you dare say anything about my mother."

He then slapped me across my face at least three times. He also grabbed my hair and pulled it. It hurt a lot. I was crying from the pain.

I was shouting at him to stop, for him to leave me alone. I tried to leave but he had one of my arms and pulled me to our bedroom where he told me to settle down. He apologized and told me he would not do this again. I decided to stay. He has been like this for the last four years. I love him. I just don't want to be treated like this by him.

I worked today. I got home about 2.15pm. When I went inside I could hear him on the phone to someone. It sounded like he was talking to his mother. I went and got changed.

I then went back to him. When he got off the phone I asked him who he was talking to and what happened.

He told me to go away. He then slapped me across by face at least three times. I tried to stop him from hitting me. He also verbally abused me and my family, like saying my mother was a bitch.

I went to our bedroom to get my phone so that I would call for Police to come as I have had enough of being hit. When I got it I went to the front door with it. He saw the phone in my hand.

He tried to snatch it from my hand. I managed to keep it in my hand. I then swung my arms around trying to keep him away, and to keep my phone. He then started hitting me again. He punched me a number of times to my head. I was shouting for help. There was a lot of pain. I was crying. He grabbed a towel from somewhere and tried to hold it across my mouth to stop me shouting. He was also grabbing my arms and holding me. He managed to take my phone.

I told him to go away and to stop hitting me. I realised later that when my phone had hit his head it had left some marks on his forehead...

A short time later Police arrived and I told them what happened. One of the police officers took some photographs of my face where he had hit me. He also photographed my arms where there was bruising from where he had grabbed me. My throat is also very sore, and I find it hard to swallow...

I was later taken to the Nunawading Police Station where I gave a statement. I was also asked by police if I suffered anaemia, if I bruised easily. I told them that I do not suffer from it, that I don't bruise easily."⁶

43. For balance, I note that there are statements in the brief from Mr Kumar's parents. In his statement, Mr Kumar's father, Mr Amrit Lal states:-

"Every Saturday or Sunday my wife and I would talk to Asim on the telephone. Asim told us that Nidhi would yell at him and abuse him. He told us that Nidhi did not want him to speak with his friends or with us. She would yell at him for respecting us, and demanded that he respect her parents."⁷

44. Ms Parashar's father, Jyoti Parashar, also made a statement. In it he said :

"...On the 11th of December, 2006, Nidhi and Asim were married. Before the wedding I paid a dowry worth 500,000 rupees in gold and ornaments. Nidhi moved in with Asim and his parents. In the 2nd week of January 2007, Asim returned to Australia. Nidhi stayed living with Asim's parents for about 2 more months.

During this time Nidhi was living with Asim's parents. Nidhi told me and my wife that Asim's parents were verbally abusing her and demanding her to make them breakfast and tea everyday and treated her like a servant. Later Nidhi lived with us for a week's

⁶ Inquest brief, pgs. 111-113 – Statement of Nidhi Parashar

⁷ Inquest brief, pg. 13 – Statement of Amrit Lal

time. She told us that she wished to live in the airport or with us and not return to Asim's parents, as they abused her and mistreated her.

...When Nidhi arrived [in Australia] she moved in with Asim and about 6-8 of his friends. They lived in this situation for about 12 months. During this time Nidhi told us that she was treated like a servant, preparing food for everybody.

After about 12 months of living in this house, Nidhi and Asim moved into their own house at 3/107 Surrey Road, Blackburn...She asked my wife and I to come to Australia so we could see what was happening before she made any decision on leaving Asim.

Nidhi was working in a home for old people at the time. She would get her pay into a joint account that Asim would also get his pay. Asim controlled this account and would only give Nidhi money if she pleased for it...

In the first week of May 2012, Asim's parents arrived in Australia. They came with some of their friends and stayed with Nidhi and Asim. After arriving Asim's father asked Asim why Nidhi opened her own bank account and where the money was. Asim's father told Asim that they should have bank balance transferred to them or get a divorce...

On the 9th of June 2012, Asim's parents asked for a copy of the marriage certificate. Nidhi and Asim both said that they did not have a copy of the marriage certificate. Asim's father said that he would have one sent from India so Asim and Nidhi could get a divorce.

Asim's parents flew to India on the 10th of June 2012. When they went to the airport Nidhi asked to go with Asim. Asim and his parents said no. Nidhi told my wife and me that she repeatedly requested Asim to take her to the airport. She said Asim told her "No, let me come back and I will see you."

She told us this on Sunday the 10th of June 2012. The last time we spoke to Nidhi was around 10-30 – 11 pm Melbourne time. Nidhi was sad on the phone and was crying whilst she spoke with us. Nidhi told us that she was in great fear, she said, "I do not know what is going to happen today." I told Nidhi to remain calm. I told her that Asim would come back to her. I believed Asim would be arrogant for a day or so and then would be a good boy...

I believe that Nidhi was beaten and verbally abused the whole time that she was married to Asim. I believe Asim beat her and abused her. I believe that Asim's parents abused her. I think that over the course of time this has caused Nidhi to be fearful and scared of Asim.'⁸

45. The evidence set out in these statements clearly points to significant conflict in the marriage. The granting of an intervention order, and the fact that Mr Kumar pleaded guilty to one count of assault, is clear evidence of physical violence directed by him at his wife. Those

⁸ Inquest brief, pg. 16-21 – Statement of Jyoti Parashar

objective facts lend significant corroboration to her account of a pattern of violence in the relationship.

Contact with Victoria Police

46. The only contact with Victoria Police was when the police were called to a family violence incident in which Ms Parashar was assaulted by Mr Kumar on 21 November 2010. That incident is described above in her statement. Given that Mr Kumar pleaded guilty in a Magistrates' Court to an assault charge, I accept that her account is likely to be an accurate one. (As indicated previously, the record of his interview with police about the matter is not available).
47. The police response to this family violence incident appears to have been in accordance with the Victorian Police Code of Practice for the investigation of family violence. The police obtained a statement from her about the assault and issued a family violence safety notice immediately. Mr Kumar was removed from the premises, taken to the police station, interviewed and charged with intentionally causing injury to Ms Parashar. He was prevented from returning home and police escorted him to the unit to obtain belongings. It is unclear whether she was referred to a family violence service provider for ongoing support or not.
48. As noted earlier, a family violence intervention order was made at the Ringwood Magistrates' Court on 23 November 2010. It was revoked six months later on Ms Parashar's application. I note that according to her father, this followed Mr Kumar "pleading" with her to withdraw the order so that he could get another job while attending court. In any event, following the revocation of the order, the couple resumed living together.

THE INQUEST

49. At inquest, evidence was called from Mr Kumar's friend, Mr Lalit Sejwal and a report by independent family violence expert, Dr Ruchita Ruchita⁹ was tendered.
50. The evidence of Dr Ruchita Ruchita was read into the transcript. Dr Ruchita's role at inTouch is as an Indian case worker and includes risk assessments, needs analysis, culturally appropriate family violence support, safety planning, court support, support with immigration issues, assistance with legal issues, referrals to crisis accommodation and other agencies and emotional support. She has also worked in a primary prevention project that

⁹ Dr Ruchita's qualifications are - Bachelor degree in Law and a Master in Law from the Guru Nanak Dev University in India and these qualifications have been assessed by the Australian Education International-National Office of Overseas Skills Recognition as the equivalent to a Bachelor and Master degree in Australia

entailed working with the Indian community as a bi-lingual facilitator in changing attitudes and behaviours toward violence against women.

51. The evidence contains reference to a number of cultural factors that effected Ms Parashar and Mr Kumar's relationship relevant to the circumstances of their deaths.
52. Under the heading 'Cultural and Linguistically Diverse Backgrounds' a report prepared by the Coroners Prevention Unit¹⁰ (CPU) for the coroner, stated:-

"...their marriage was arranged by their parents, and they had spent very little time together before agreeing to proceed with the marriage. One of the areas that caused conflict appear to have involved Nidhi's income and to whom the money was directed. Nidhi's father, Jyoti Parashar, states that after living apart from Asim, Nidhi opened her own bank account and found another job. After they resumed their relationship, Asim's parents were reportedly upset about what they considered to be Nidhi's attempts at being independent. Further, Jyoti Parashar states that Asim's parents were of the view that Nidhi's money should go to Asim, otherwise they would compel her to leave Asim. There is also reference to some of the conflict between Asim and Nidhi following negative comments being made by Asim's parents. For example, Jyoti Parashar stated that Asim would speak to his parents on the telephone and they would say Nidhi was not good enough for him. After these phone calls, Asim would get angry at Nidhi and would abuse her..."

Nidhi had only lived in Australia for a few years prior to her death. While she was aware of the availability of police assistance in situations involving family violence, she may have been less familiar with other services and supports able to improve her safety and welfare. Although Nidhi's father's statement suggests she would have been supported to return to India, it is possible that she would have still experienced a degree of social stigma if she divorced Asim and left Australia. In the absence of a suicide note, it is not clear as the main factors motivating Nidhi's actions."¹¹

53. It appears that in this case, Ms Parashar was clearly aware of the availability of potential police assistance, did call the police, and did take the matter to court to obtain an intervention order. She may have been less familiar with other services and supports available to improve her safety and welfare, but the evidence does not reveal this. Although her father's statement suggests she would have been supported if she had returned to India, it is possible that she still would have experienced a degree of social stigma if she had divorced her husband and left Australia. In the absence of a suicide note it is not clear as to the main factors motivating Ms Parashar's actions.

¹⁰ The Coroners Prevention Unit (CPU) was established in 2008 to strengthen the prevention role of the coroner. The CPU assists the coroner with research in matters related to public health and safety and in relation to the formulation of prevention recommendations, as well as assisting in monitoring and evaluating the effectiveness of the recommendations.

¹¹ Report prepared by the Coroners Prevention Unit.

54. As noted above, the relationship between the couple appears to have been problematic over some years. The evidence makes it clear that disagreements and verbal conflict occurred shortly after Ms Parashar arrived in Australia and from 2010 there was physical violence perpetrated by Mr Kumar. This appears to have been known by members of both families and there was discussion about a separation. There were also periods when the couple appeared to be happy.

Report by Dr Ruchita Ruchita

55. Under the heading “Socio-cultural and religious beliefs practised in India that relate to gender roles, discrimination, and violence against women.” Dr Ruchita’s report stated:
“In Indian culture, men are considered the primary bread winner and household head. It is considered the duty of the wife to serve her husband...Patriarchy underscores surrogacy of females and supremacy of males and this is then manifested in everyday life.”¹²
56. Under the heading ‘Joint family system’, she stated:
“India is a country where a joint family system has survived through the ages. It is a system under which one’s parents, children, the children’s spouses and their off-springs live together. Although India too is moving towards a nuclear family system, there are still a majority of Indian population live in join families. A relatively strict hierarchy defines traditional Indian society where elders and parents decisions are respected and hardly questioned. Family values are important in the Indian tradition, and multi-generational patriarchal joint families have been the norm in India.”¹³
57. Under the heading ‘Marriage, Separation and Divorce’ she stated:
“An overwhelming majority of Indians have marriages arranged by their parents or other family members. Arranged marriages are the most common and accepted form of marriage in India which is usually organised by either relative/friend or middle man (on line, newspaper matrimonial advertisements are on rise nowadays). In such marriages, the union is not just between the groom and the bride but arrangements are made between two families”¹⁴
58. I note that this was an arranged marriage according to Indian custom and traditions. I further quote Dr Ruchita:-
“In marriage, there are certain expectations from the women from her in-laws. The woman is expected to live with the husband’s family after marriage. She has to serve the needs of not only the husband but also of the whole family. Often she is verbally abused and sometimes kept in slavery-like conditions. Marriage is thought to be for life, and divorce rate is comparatively low. No matter how unhappy the couples are, they are expected to stay together and make their marriage work. There is overwhelming pressure on women to maintain the family structure and failure to do so could result in ostracization of the entire

¹² Report of Dr Ruchita Ruchita, 4 July 2015, pg. 2

¹³ Report of Dr Ruchita Ruchita, 4 July 2015, pg. 3

¹⁴ Report of Dr Ruchita Ruchita, 4 July 2015, pg. 3

family. Disclosure of abuse might result in her family disowning her. A tremendous pressure to keep the relationship together is exerted on her."¹⁵

59. In this context I note that Ms Parashar did live with her husband's parents but only for a relatively short time. I note that she complained about the treatment she received there. I note also that she took the initiative in relation to divorce proceedings. It appears that because of the absence of the marriage certificate (and/or other formal relevant documents) she was unable to take the divorce process any further. This is clearly not a case where the woman in the relationship felt unable to take action. In addition, she took a complaint to the police in relation to the assault in 2010, which led to the intervention order and criminal charges against her husband.

60. Under the heading "Barriers for Indian women living in Australia experiencing Family Violence" Dr Ruchita set out a number of general propositions. She discussed "family violence as private matter". She discussed financial constraints, a lack of knowledge of the legal system, social isolation and other features.

61. In relation to this particular marriage, seen within the context of those factors, she made a number of observations. Dr Ruchita referred to the fact that this was an arranged marriage and that a dowry appears to have been paid. She referred also to the expectation of the wife living with the husband's family after marriage and I have noted this above. Dr Ruchita noted:

*"In-laws did not like financial independence of Nidhi. This is very common with my clients. The husband is the head of the family and he should be looking after the finances as well. The majority of my clients go through financial abuse and are expected to hand over their salary to their husbands and then ask him for pocket money. If the woman wants to live with him, she has to surrender her finances. All major financial decisions are taken by the husband. In some cases the woman has to give up her job if her husband and his family feel insecure due to her financial independence. This was expected from Nidhi to hand over her salary to him or leave him."*¹⁶

62. She went on to refer to the control over Ms Parashar's life by Mr Kumar's parents in India. She said:

*"Even if a couple is living in Australia by themselves, still the parents of the husband have a lot of influence in their life. My clients have reported that their husband is not that bad, but he gets really violent after talking to his family, especially his mother back in India. Such phone calls aggravate violence. In this case, violence has been reported to be escalated whenever Asim talked to his parents."*¹⁷

¹⁵ Report of Dr Ruchita Ruchita, 4 July 2015, pg. 3

¹⁶ Report of Dr Ruchita Ruchita, 4 July 2015, pg. 14

¹⁷ Report of Dr Ruchita Ruchita, 4 July 2015, pg. 14

63. In relation to the “Stigma of divorce”, she noted:

“...Nidhi went back to him after six months separation. Nidhi did not want to separate from her husband due to this fear, even when her family was supporting her. Nidhi’s father Jyoti Parashar has also mentioned the degree of social stigma if she divorced Asim and left Australia. Although Asim’s parents have reported that Nidhi brought divorce papers but there is no evidence to suggest that is occurred.”¹⁸

64. I do not entirely agree with Dr Ruchita’s assessment of the significance of the divorce papers. It does appear that Ms Parashar may have been more serious about divorce than is suggested here. The evidence tends to suggest that the absence of formal documents inhibited her going through with the divorce application, but it may well be that that represented merely an excuse and that the truth was more likely that she ultimately did not feel entitled to proceed with the divorce, even though she was seriously contemplating it.

65. In relation to what Dr Ruchita has described as “the pressure for reconciliation” she notes the experience she has had working in the Dandenong Court in Victoria. She noted that “women are under severe pressure from his and her family, friends and the community” to withdraw their applications for intervention orders. In this case, Ms Parashar obtained an intervention order (I infer on the basis of her own oral evidence) and in fact it was the cause for a six month separation of the couple. However, I infer that she was in fact under pressure to revoke that order. On the evidence she did so to assist him with his work and to ensure that the order would not prevent him from becoming employed.

66. In her conclusion, Dr Ruchita states:-

“In the case summary of Nidhi and Asim, a number of cultural factors have been reported. Arranged marriage and dowry has been a common factor. In this case, Asim, being non-resident Indian, was in a better off position to demand bigger amount of dowry. Nidhi’s story of abuse started in India when she had to live with Asim’s parent’s after he left for Australia, where she had to bear verbal and emotional abuse perpetrated by her in-laws and was treated as a slave.

Even when she moved to Melbourne to join Asim and the couple were sharing a house with other male friends, Nidhi was expected to cook for all of them. This could be due to fixed gender roles which re-enforces gender inequality from cultural perspective.

Indian women are expected to surrender all her finances to her husband being head of the family. In this case, Nidhi was compelled by her in-laws to handover her salary to Asim or leave him, which is directly linked with financial abuse and male supremacy...

The stigma of divorce and its consequences always discourages woman to continue the marriage and keep suffering at the hands of her husband and his family. Due to the same reason, Nidhi never wanted to divorce Asim.

¹⁸ Report of Dr Ruchita Ruchita, 4 July 2015, pg. 15

Ongoing physical, verbal, emotional and financial abuse on Nidhi has been reported. The problematic relationship between the couple has been acknowledged, but still they continued living together just to keep their marriage for the sake of family and society.

In this case, Nidhi did get help from police and Court to get Intervention Order but eventually decided to go back to Asim.”¹⁹

67. Dr Ruchita’s comments are, of course, made on the basis of her assessment of the material in the inquest brief. Her report is extremely helpful in this case as it has been in others. Her observations are to an extent necessarily general and she has, on the basis of her experience and expertise, drawn a number of inferences and conclusions. Generally, I accept her observations and conclusions in relation to the relationship between this couple. There is evidence of profound unhappiness on Ms Parashar’s part, clear physical violence directed by him at her (particular in 2010), a desire by her to leave the marriage or obtain a divorce, and what appears to be a controlling attitude exerted by him in respect of the finances of the couple. This was compounded apparently by the attitude of his parents. There were clear features of family violence. On the evidence I agree with Dr Ruchita that “ongoing physical, verbal, emotional and financial abuse” appear to have been present in the relationship. The couple did acknowledge their problems and Dr Ruchita put it that they kept living together seemingly “for the sake of family and society.” I cannot draw this same conclusion with complete confidence, but it does appear to be a reasonable inference given the cultural background and the facts in the case.

Evidence of Mr Lalit Sejwal

68. Mr Sejwal had previously made a statement and gave oral evidence at inquest.
69. In his statement at the time of the deaths, he had been in Australia for 12 years. He had migrated from Delhi. He had met Mr Kumar in January 2000, when Mr Kumar came on a student visa and studied accounting at Monash University. Mr Sejwal moved into an address in Blackburn North with Mr Kumar. He referred to Mr Kumar and Ms Parashar coming to Australia and staying with him at a Middleborough Road, Blackburn North address for approximately one year, before moving into their own accommodation at Blackburn North.
70. In his statement, Mr Sejwal said of his relationship with Mr Kumar:
“I regard Asim as my brother and he regards me as his brother. Asim confided in me about everything. Asim often confided in me about his relationship with Nidhi. In the first year

¹⁹ Report of Dr Ruchita Ruchita, 4 July 2015, pg. 15-16

they were finding it hard to get to know each other and they didn't have their entire privacy because I was living there as well. Nidhi was very sensitive, jealous and possessive of Asim. Nidhi would mind little things. Asim told me everything but I never spoke to Nidhi about their marriage issues. Nidhi found it difficult when Asim spent time with his friends and did not spend all his time with her. Asim studied and worked 6 days a week. Asim worked full time as a financial support analyst and then studied for his Accounting Degree. In my opinion, Asim was not taking her out and paying her enough attention as one would expect as a newly wedded wife in the first year.

Every now and then we would advise him of this, but Asim took everything light-heartedly and Nidhi was sensitive and very possessive. Things started getting bad, like light arguments. They never had a fight in front of me but I don't know what happened when I wasn't there. I used to tell Asim that he had to pamper her, not treat her like a friend. I told him that he had to put her first before his friends. Asim was more focused on his studies, the rest he took lightly.

They moved out after one year hoping that things would get better. They wanted more privacy. Things started to get better between them. Nidhi like the lifestyle in Australia and I stopped hearing about arguments from Asim. The one thing I can think of was that they had completely different personalities. They had completely different interests. They had different culture upbringings.

I had lost contact over the last two years because Nidhi told him not to have contact with us. Last night was the first time I had seen Asim in two years.

In the two years, I was aware that Asim tried to change his ways. Yesterday afternoon my parents met with Asim and his parents before Asim's parents left for India last night.

Asim drove his parents to the airport, I drove separately. I accompanied Asim to my place and we had dinner at about midnight. Asim left my place around 12:30am. Nidhi wanted to join Asim and his parents to the airport but he would not let her come and she was crying. Last night I warned Asim in the car that no matter what happens when he gets home not to argue with her or get physical with her.

I said this to Asim because about three years ago, Asim was on the phone to his mother and Nidhi assumed Asim was talking negatively about her. She tried to grab the phone off Asim and he has pushed her away and she fell. She threw some objects at Asim and he had to get stitches on his eyebrow. There was an intervention order between them, which meant Asim had to move back in with Sunny in Doncaster because he was not allowed to see her. We were not allowed to contact her either. Nidhi had a group of friends or one friend that she moved out with. Asim then moved back to his house at Surrey Road, Blackburn North. I assume that her friends played with her mind and fed her bullshit...I thought that everything was normal with them, but she had told him not to have contact with his friends or his parents. She was jealous of him being happy with anyone else but her."²⁰

71. Before dealing with Mr Sejwal's evidence at the inquest, I note that I do not accept aspects of the evidence contained in the passages referred to above. Mr Sejwal appears to imply that

²⁰ Statement of Mr Lalit Sejwal, Inquest brief pg. 22 - 24

the intervention order in this case was taken out as a consequence of Ms Parashar throwing "some objects at Asim"²¹ and he obtaining stitches on his eyebrow. Given the court proceedings, the police intervention, and the photographs of Ms Parashar taken at the time of the assault in 2010, this is clearly inaccurate. That incident was quite clearly one of assault by Mr Kumar on Ms Parashar, causing injury and leading to a charge of assault to which he pleaded guilty.

72. However, other aspects of the statement are informative and I note that Mr Sejwal stated more than once that he and other friends tried to persuade Mr Kumar to treat his wife more sensitively and more appropriately than they believed he did.

73. In evidence, he spoke of the meeting he had with Mr Kumar on the night Mr Kumar took his parents to the airport. His evidence was :

"I accompanied him and he told me that she wanted to come and he didn't let her come and she was crying so then I was trying to give him advice that this isn't how it works. He – you have to always, you know, family comes first, wife is first and, um, I've known they had a history of domestic violence and – and don't get into any kind of argument or physical altercation which might happen but , yeah. That's all I could advise him. I never knew that it could get to this state – to this level.

When you were giving that advice; did Asim say anything about, "When I get home I'm going to fix her up" or "When I get home I'm" – did he make any indications as to how he was going to manage Nidhi when he got home? "I'll ignore her and go straight to bed". Did he give you any (indistinct) as to what he might do when he got home?

---I probably won't remember, to be honest, whether – oh, threaten, no, definitely no threaten that he'll go and, you know, teach her a lesson or something like that but probably, if I can remember, maybe he would have said that "I'll start ignoring her completely" and "She needs to, you know, learn how to respect parents and friends and family" probably something like that. But nothing I can recall that he was aggravated or very hyper that he'll go home and he'll create a scene; nothing like that...

As a friend I did what was right and gave him a piece of advice which would have been in his – would have been in his favour of making things better in the relationship and – and an environment between a husband and wife in a house. I mean, there shouldn't be any fights, or whatever I could tell him, I told him and he just probably either ignored it or probably just acknowledged it. I wouldn't say that he definitely agreed to what I'm saying because he had his own things in his mind probably...

Unpleasant; did you say?---Yeah, I mean, but it didn't happen the way it should have happened, um, you know, you should be welcoming to guests and - - -

Would that reflect on ?---So that he – that thing was, kind of, bothering him, that – the way she should have reacted. She didn't behave in that way.

Would that have culturally embarrassed him?---Yes.

Culturally embarrassed him?---Yeah, I mean, I would suppose so.

HIS HONOUR: Just on that point, Sergeant, before you go on. (To witness) There's a reference, Mr Sejwal, in your statement, it's on p.2; it's at the bottom of the second full

²¹ Statement of Mr Lalit Sejwal, Inquest brief pg. 23

paragraph. You said, "They had completely different interests. They had different cultural upbringings". What were the differences in the cultural upbringings that you were referring to?---I have seen Asim – I lived with him for seven – eight years – about seven years, yeah and his lifestyle was completely different. He would – he would, um, watch TV for ten, 12, 18 hours a day in his own corner with his bottle of water and his – ah, the games he watches which is – and the movies he used to watch and he was completely different to what other group of friends would do. Like, he'll bore the hell out of you and – and he was, very, very intelligent, I would say, and sometimes you'd feel he's there in the room but he's not there because he's lost in his own world, in his own games and in his own movies. So that could have – and she was from a small town so there was a big, massive, um, personality difference. So they – they probably didn't find much to share or talk about but that - I could believe that that could have led to a lot of, you know - - -

Tension?---?--- - - - arguments or - - -

When you say they have different cultural upbringings and she's from a small town and he's from a bigger city; were they culturally different? Was the religious - - -?---Um, when I say - - -

- - - practice different? Was the culture different? Was this an issue of caste or some other feature of the society which they came from which affected them?---I believe they both shared the same caste but Asim's upbringing was very, very different. Um, she was very – probably very family orientated but Asim was always – he was sent to boarding school. He never had a family, ah, you know, environment when he was growing up so I – I can very well say this statement that he probably never knew how to – never learned or never watched while growing up how to – how to behave in front of a woman. How to treat a woman which he would have learned – and probably he was learning. He was going to the lengths which probably I wouldn't do. He made – boycotted all his friends. No-one would do that. So he was willing to make that work. Even my sisters or girlfriends when they would come over he would just say things which are not nice to say in front of a woman. So he, kind of, sub-consciously he didn't know how to behave in front of a woman. That's something I observed whilst I was living with him but he mended his way to very, very extent and after marriage he was spending, like, most of the times with his wife so slowly, slowly he would have got there, I guess.²²

74. Mr Sejwal gave evidence about his understanding of the work Ms Parashar was doing, or attempting to do. He stated that she was hoping to get a nursing certification and eventually to become a nurse. He said "I think she was an active nurse while living with Asim when they moved to the new house²³".

75. An important passage of his evidence, was the following:

"A couple of other things, Mr Sejwal, that reference to, "I assume that her friends played with her mind and fed her bullshit". What do you mean by that?---Every time he was with us we would all encourage him and advise him and teach him what we have learnt through our relationships and things which he can improve on. He – after his marriage he really – what I think was missing was the – the environment where every weekend have friends over, drinking and all that thing which completely got cut off after marriage which makes sense, of course. You're married now, you have to spend your time with your missus. So he wasn't

²² Inquest transcript – pgs. 20, 21, 22, 24, 25

²³ Inquest transcript – pg. 27

doing that, so he was giving priority – first priority was studies, then whenever he could find time he would want to spend time with his friends so wife was nowhere there.”²⁴

76. I infer that as a consequence of her husband’s behaviour, Ms Parashar felt lonely in the marriage and somewhat isolated in society.

77. In relation to the subject of divorce, Mr Sejwal’s evidence was:

If you have an opinion?---My opinion is that – my initial opinion would be that, if it wasn't working, it's best to walk away. Get separate, get a divorce rather than leading to this nonsense, but if – he loved her. The week he stayed with him he used to cry. He used to miss her and he wanted to get back with her. Those were the things made me believe that it can work between them.

Was there any reason why, from a cultural point of view or religious point of view, why a divorce would have been a bad or a wrong thing?---Well - - -

Can you comment on that?---Divorce is not considered good in – back in – in the culture but nowadays it's got so recognised, it's very common; it's very common...

From her side I probably can't comment but from Asim's side I can tell you that, if that was inevitable, then culturally – from cultural perspective that's not something that would have hindered his decision to go that way, to go that path.

Would it - - -?---If he wanted divorce he would have taken a divorce. He was very strong-minded...

Do you recall that, Mr Sejwal – Sergeant Dimsey read this out. "During this time Nidhi returned to the premises in the possession of a divorce application and requested a divorce from Asim. Asim refused to sign the papers and after that it appears that they made up" and that's in the summary read earlier.

That's not a good question. On the evidence she wanted to get a divorce and took the papers home. That's in the summary?---Yes.

Would that have been culturally, for him, something that he would not have supported, believed in or thought was appropriate?---To be honest I have a very vague memory that night leading up to the events when I was driving him back home he was, not him, it was her who wouldn't sign the divorce papers. I have this very, vague memory, but even if she wanted to divorce, it had got to that stage that no-one – it wouldn't have frowned upon on culturally or within the relationship – within the family. Everyone would have accepted it with a big thumbs up, I tell you...

From traditional, from - - -?---From traditional perspective. He probably at least opinion about what society would think or what friends would think or would – but what I know I can only comment from his behalf, from his side of the story, that he wanted that to work. He wanted to make that work and to the extent where he went and made the sacrifices he made in his personal life was a very big ask.”²⁵

78. Overall where there is conflict in the evidence between that given by Mr Sejwal and that of Dr Ruchita, I prefer the evidence of Dr Ruchita. That applies to the issue of divorce.

79. In relation to he and his friends trying to influence Mr Kumar’s behaviour for the better, Mr Sejwal’s evidence was:

²⁴ Inquest transcript – pgs. 27 - 28

²⁵ Inquest transcript, pgs. 28, 29, 30

"You've told me about your advice to him and how to improve his relationship and what you said to him. I understand all of that. Do you think other friends of his would have been saying that the way he was treating her was bad or wrong and that he should change or adopt a different approach? Do you think others were saying similar things to what you were saying?---Pretty much exactly the same. We – this is the only circle we had, me, Asim - - -

Yes, so as friends you were all saying similar things to him; were you?---We knew his habits. We knew his behaviours. We knew how he reacts to certain things and we knew that things he has to improve upon and constantly we used to tell him that this is not how it works. You have to change this, you have to change this.

Do you think your friends did and did you specifically say, "You shouldn't use physical violence" or "You must not use physical violence"?---Yes, of course.

Or things of that nature; did you say - - -?---Definitely.

Did you say that to him?---Yes, yes, during the stay of one week when he was staying with Sunny he did mention that he got stitches and she had bruise. He didn't even hide his side of that."²⁶

80. He summarised this by saying *"we were out of the loop, but we never suggested to him or we never encouraged him for physical violence"*²⁷.

81. Mr Sejwal was invited to comment on some of the matters put by Dr Ruchita in relation to cultural factors. He asserted that a number of the propositions didn't apply to this relationship. He disputed that Ms Parashar could have been considered as a "slave". He was reminded of what Dr Ruchita was saying about the cultural generalisation, historical and traditional domination by men in Indian society and the consequent submissive position of women. In response he said:

"She's stating the obvious?---To a level where, I mean, to mediocre level. But in their cases they had no – no pressure from families or from – from culturally that they have to, you know, practice those customs. There was nothing like that. She was – she had her liberty to go out and work, to drive car, to travel wherever she would like to and – and cooking, she used to love cooking. She used to do cooking for me and one year they were with me, never had issues where she – that Asim would demand her to do stuff which she doesn't like.

Was she expected to cook for everybody in the house? Is that a fair comment? She's expected to cook for everyone who's in the house? That's what Dr Ruchita says?---Well, it will be very – a silly thing to do that in a family if I'm cooking and – and I'm cooking for myself. I mean, my parents were there, my husband's there. I mean, of course if I cook, then I cook for everyone but it wasn't pressure on her to - - -

You might not be able to comment and Dr Ruchita has done a lot of study and she's an expert in studying these matters; I know you're not. I'm not asking you as an expert, of course, but your own opinion. Do you think there is built-in gender inequality – built-in inequality between men and women? Built into life and culture and the social practices and conventions in Indian society, or Indian society in Australia, or is that just too general to say? Does it depend on the family and the relationship?---Um, Indian society is now more open, more liberal, more westernised.

²⁶ Inquest transcript, pg. 31

²⁷ Inquest transcript, pg. 33

Yes?---Kids are given all the opportunities to go to school and pursue their career, even with the girls, even in the village, but there are still portions where it will take some time, but equality between men and women, that's no longer a stigma. It doesn't happen any more . If it still does happen it's very minority. This study has been – Dr Ruchita, her recommendation is limited to very small portion of society.”²⁸

82. In assessing Mr Sejwal’s evidence, I observe firstly that he appeared to have a strong bias towards his friend, Mr Kumar. He was prepared to agree with Dr Ruchita’s general observations about the patriarchal nature of Indian society, issues of dowry and others and her general comments, but ultimately asserted that they did not apply in this case. Clearly on the evidence some of these factors did apply and inevitably there will be differing degrees to which factors apply case by case. It could not be concluded that Ms Parashar was entirely dominated by her husband, but equally there was a significant degree of control exercised by him, with the apparent backing of his parents. Whilst she was not denied the benefit of services, police and court support, ultimately I conclude that she could not face the prospect of the social stigma attached to divorce, whether she was in India or Australia, but particularly if she was in India. Mr Sejwal stated that divorce no longer carries the same stigma as it used to. I would accept that this is probably the case in middle class Indian society (but I have no evidence specifically on the point) although I accept Dr Ruchita’s observations about more traditional Indian society and the stigma of divorce.
83. I note and accept Mr Sejwal’s evidence about his attempts to persuade Mr Kumar to behave differently towards his wife. It appears that Mr Kumar turned a deaf ear to this good advice.
84. Ultimately the ferocity of Ms Parashar’s attack on her husband was extreme. I infer that it flowed from a profound frustration and it is likely, although not categorically proven, that it flowed from a sense of oppression, control and abuse. Whether there were other psychological and/or psychiatric factors playing on her mind or operating in her background is not known. Mr Sejwal suggested that there might be, but there is no evidence to that effect. Given her preparedness to at least initiate divorce proceedings it is less open in this case than in some others, to conclude that she felt entirely powerless within the system and completely overborne by patriarchy. At the same time, clearly the attitude, behaviour and treatment of her by her husband, had clearly been profoundly frustrating and, ultimately, must have constituted a high degree of provocation.
85. Finally I note the medical evidence relating to Ms Parashar from the forensic medicine and scientific investigation. The histology report showed “prominent Hashimoto’s thyroiditis”.

²⁸ Inquest transcript pgs. 44, 45

This condition is defined as an autoimmune disease in which the thyroid gland is attacked by a variety of cell- and antibody-mediated immune processes. Symptoms of Hashimoto's thyroiditis include weight gain, depression, mania, sensitivity to heat and cold, paresthesia, chronic fatigue, panic attacks, bradycardia, tachycardia, high cholesterol, reactive hypoglycaemia, constipation, migraines, muscle weakness, joint stiffness, menorrhagia, cramps, memory loss, vision problems, infertility and hair loss.

86. In the absence of further evidence, it is not possible to draw any conclusions as to the effect of that condition on Ms Parashar generally, or of any specific influence it may have had on her actions in inflicting the fatal assault and stabbing on her husband prior to her taking her own life.
87. In some cases there are issues that cannot be fully examined and because there is clear evidence as to the overall circumstances of the death, it is not necessary to pursue this particular medical issue further. I simply note that it may be possible that this condition contributed to the ferocity and severity of her ultimate attack on her husband. However, the background to that attack and the underlying frustrations and resentments to which I have referred to earlier were, I infer, the predominant reasons for her fatal attack on her husband.
88. It is clear that Ms Parashar's death was suicide. I am satisfied that she acted alone and with the intention of taking her own life.

COMMENTS

89. The CPU prepared a report in respect of these two deaths indicating a number of issues potentially requiring further investigation. They were:
- Whether religious belief and/or cultural and social practices were contributing factors to the death
 - Programs in place at the time of the incident to assist members of the CALD community experiencing family violence
 - Programs now in place to assist members of the CALD community experiencing family violence
 - Further opportunities to enhance knowledge of supports services and strengthen outreach
 - Other opportunities for prevention.

90. I have dealt with the issue of the role of religious beliefs and/or cultural and social practices in this case as best as those factors can be understood on the evidence.

Programs available to assist members of the CALD community experiencing family violence –then and now.

91. In relation to programs in place at the time to assist members of the CALD community experiencing family violence, I note that in Victoria there is a wide range of services and programs available to women and their children experiencing family violence. This includes women and children from CALD backgrounds. Translation services are accessible through the Department of Human Services when required.

92. Domestic Violence Victoria provided me with helpful background information in the case. I have also noted the role of inTouch Multicultural Centre Against Family Violence. inTouch has established a legal support line providing culturally appropriate legal advice for CALD women experiencing family violence. I was informed and accept that inTouch staff speak in the following relevant languages:- Hindi, Marathi and Punjabi²⁹. I note that inTouch provides a wide range of services to women which include the follow:-

- Culturally appropriate family violence support;
- Emotional support;
- Advice and information;
- Assistance to obtain short-term accommodation and/or housing;
- Assistance to obtain financial support;
- Assistance with immigration issues;
- Assistance with legal issues and court support;
- Assistance with children, including custody and access;
- Advocacy and liaison on behalf of client; and
- Living skills and personal development.³⁰

Further opportunities to enhance knowledge of support services and strengthen outreach

93. As to this matter, I refer again to the report of Dr Ruchita Ruchita and the work being done both at the time of these deaths, and now, by the inTouch organisation. I note the languages spoken within that organisation. Whether there is sufficient language/translation service and resource available to people speaking Hindi, Punjabi, Tamil and Marathi in Victoria is perhaps an open question, although I note the services available through inTouch in respect of at least three of those languages. It has been suggested by the Victorian Multicultural Commission (VMC), and I agree that the community would benefit from the availability of

²⁹ 2011/2012 inTouch Annual Report

³⁰ 2011/2012 inTouch Annual Report

translation of resources relating to family violence and other human services provided by Victorian government departments.

94. I note also a report by the VMC in relation to support services to the Indian community in Victoria. The report was prepared after these and other deaths in that community in 2012. A number of factors common to CALD communities were noted and other factors more particularly specific to the Indian community were also noted in that report.
95. I agree with the emphasis in the report on education and the continuing need to break down misconceptions. Victoria does have a strong family violence service system, which is well integrated in some respects and less so in others. There are links between crisis and support services, the courts, legal services and the police. The intent is to deliver a holistic approach geared towards effective and efficient prevention and reduction of family violence. However the issues of integration of the system or other features of the system more broadly, do not directly arise in this case.
96. The only further comment I would make is that in relation to Ms Parashar, a referral by either the court at which her intervention order was heard, or police which took the application for the order to that court, to other support services may have assisted her. It would be speculation however to take that point any further. As a general proposition, it is clearly important that people in Ms Parashar's position, and no doubt other members of CALD communities who suffer the disadvantages of language, social isolation and possible cultural alienation, have access to quality reliable services including translation services. It is apparent that the organisation, inTouch, is currently a lead agency in providing these services. The question is whether people in Ms Parashar's position are aware of them, whether they are referred to them, and whether they are given the benefit of the support and service such organisations clearly can and do provide. In this case it appears that Ms Parashar went no further than to obtain an intervention order which she was in turn pressured into having revoked. That appears to be the end of her engagement with the support and service sector. In the context of her family and cultural setting, she could not be criticised for not further accessing help or support from the system.

I extend my condolences to the family and friends of Mr Asim Kumar.

I direct that a copy of this finding be provided to the following:

Mr Lalit Sejwal, Senior Next of Kin
Easton Legal on behalf of Mr Kumar's family
Sergeant David Dimsey

Signature:



JUDGE IAN L GRAY
STATE CORONER

Date: 30/11/15

