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**COMMITTEE ON EMPOWERMENT OF WOMEN
(2006-2007)**

(FOURTEENTH LOK SABHA)

‘PLIGHT OF INDIAN WOMEN DESERTED BY NRI HUSBANDS’

MINISTRY OF OVERSEAS INDIAN AFFAIRS

AND

MINISTRY OF EXTERNAL AFFAIRS

TWELFTH REPORT



**LOK SABHA SECRETARIAT
NEW DELHI**

August, 2007/Sravana, 1929 (Saka)

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Presented to Lok Sabha on 13th August, 2007

Laid in Rajya Sabha on 13th August, 2007



**LOK SABHA SECRETARIAT
NEW DELHI**

August, 2007/ Sravana, 1929 (Saka)

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**COMPOSITION OF THE COMMITTEE ON
EMPOWERMENT OF WOMEN
(2006-2007)**

Hon'ble Chairperson - Smt. Krishna Tirath

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3. Smt. Jayaprada
4. Smt. Preneet Kaur
5. Smt. Sushila Kerketta
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| 4. | Smt. Veena Sharma | Deputy Secretary |
| 5. | Smt. Reena Gopalakrishnan | Committee Officer |

*** Ceased to be the Member of the Committee w.e.f 24th July, 2007 consequent upon her retirement from the Rajya Sabha.**

INTRODUCTION

I, the Chairperson of the Committee on Empowerment of Women present the Twelfth Report (Fourteenth Lok Sabha) of the Committee, on the subject 'Plight of Indian Women Deserted by NRI Husbands'.

2. The Report is based on the inputs received from the Ministry of Overseas Indian Affairs, Ministry of External Affairs, National Commission for Women, NGOs and aggrieved women.

3. The Committee on Empowerment of Women took oral evidence of the representatives of the Ministry of Overseas Indian Affairs and the Ministry of External Affairs on 15th February, 2007 and 20th April, 2007 respectively. On 12th and 14th December, 2006, the Committee heard the views of the National Commission for Women and NGOs/aggrieved women respectively in connection with examination of the subject.

4. The Draft Report was considered and adopted by the Committee on Empowerment of Women (2006-2007) at their sitting held on 2nd August, 2007. The Minutes of the sitting form Part II of the Report.

5. The Committee wish to express their thanks to the Ministry of Overseas Indian Affairs, the Ministry of External Affairs, National Commission for Women, etc. for placing before them material and information in connection with the examination of the subject and for giving evidence before them.

6. The Committee also place on record their appreciation for the valuable assistance rendered to them by the officials of the Lok Sabha Secretariat attached to the Committee.

7. For facility of reference, the Observations and Recommendations of the Committee have been printed in thick type in the body of the Report.

NEW DELHI;
10th August, 2007
19 Sravana, 1929 (Saka)

KRISHNA TIRATH,
Chairperson,
Committee on Empowerment of Women

REPORT

PART - I

A. INTRODUCTORY

Marriage is a sacred institution that unites not only two individuals but also two families, particularly, in Indian context. With the increase in Indian Diaspora, matrimonial alliances with Overseas Indians have also risen proportionately. Though marriages to Overseas Indians are like any other marriage, such alliances, in the Indian society are seen as promising better future for not just the woman but her entire family.

2. Overseas marriages, like any other marriage, may go through the same ups and downs but the most unfortunate fact is that in the eagerness not to let go of promising offers, the families sometimes ignore even the common cautions that are observed in traditional matchmaking. In the absence of proper precautions and sufficient fact finding, there may be mismatch of expectations leading marriages turning sour.

3. Over the years, the problem of Indian women trapped in fraudulent NRI marriages has assumed an alarming proportion. The problem is manifold and includes aspects such as dowry, concealment of earlier/ existing marriages, marriages of convenience etc. These problems are further aggravated by the fact that though these marriages are usually solemnized as per Indian customs, husbands can get them dissolved from foreign courts without any difficulty. Moreover, the lack of comprehensive and special laws to deal with the issue add to the misery of victims.

4. Having taken note of the increase in number of fraudulent NRI marriages, the Committee have taken up the subject 'Plight of Indian Women Deserted by NRI Husbands' for detailed examination. In order to have an in-depth understanding of the subject, the Committee shared views with the Chairperson and members of the National Commission for Women. The Committee also interacted with some of the women victims of fraudulent marriages and NGOs working for the cause of such women. The Committee also took oral evidence of the representatives of the Ministry of External Affairs and the Ministry of Overseas Indian Affairs.

B. OFFICES/INSTITUTIONS CONCERNED WITH NRI MARRIAGES

5. The Committee have been informed that the Ministry of Non-Resident Indian Affairs, created in May, 2004 and subsequently renamed in September, 2004 as the Ministry of Overseas Indian Affairs (MOIA) is the nodal Ministry for all matters relating to NRIs. Though the Ministry have not specifically been given any item of business directly dealing with the plight of Indian women deserted by NRI husbands, it has, inter-alia, been given the responsibility of all matters relating to overseas Indians comprising Persons of Indian Origin (PIOs) and Non-Resident Indians (NRIs) excluding entries specifically allotted to other Departments. The Committee have been further informed that some cases of desertion of women by their overseas Indian spouses, dowry demands, harassments, etc. are reported to different Ministries such as the Ministry of Women and Child Development, Institutions such as National Commission for Women (NCW) and State Commissions for Women, National Human Rights Commission and the State Governments.

6. In this context, the Committee desired to know the role of the Ministry of External Affairs in dealing with the cases of fraudulent NRI marriages. The Ministry of External Affairs stated that as NRI marriages are civil contracts between private parties, the Ministry, per se, have no locus standi in disputes arising out of such matrimonial alliances.

7. Elaborating this aspect further, Secretary, Ministry of External Affairs during evidence stated as under:

“The legal remedy lies in the judicial process and the other remedies lie in the social process of that country. However, what we do and what we try to do is to assist the investigating and the judicial authorities to the maximum extent possible in the process of bringing the errant NRI husbands to book and to provide consular help of various kinds to Indian women who are victims abroad.”

8. The Ministry of External Affairs have further stated that their role in addressing the plight of Indian women deserted by NRI husbands is limited to investigating complaints through its Missions/Posts abroad. The Ministry of External Affairs stated to have received 27 complaints during 2006. However, looking into the larger issues involved and creating awareness about the problems in such marriages among prospective brides and their parents are being handled by the Ministry of Overseas Indian Affairs in tandem with the National Commission for Women.

9. The Ministry of Overseas Indian Affairs in a note furnished to the Committee have stated that since cases relating to NRI marriages are reported to different Ministries and Institutions, precise data on the number of cases is not available. The number of cases (State-wise) that have come to the notice of the Ministry from September, 2004 to August, 2006 are as under:-

State	Number of cases
Delhi	21
Punjab	13
Haryana	06
Kerala	05
Uttar Pradesh	08
Andhra Pradesh	04
Tamil Nadu	02
Bihar	01
Maharashtra	01
West Bengal	01
Total	62

10. The Secretary, Ministry of Overseas Indian Affairs, during evidence, also deposed as under;

“According to the data available with us, most of the cases are coming from Haryana, Punjab and Andhra Pradesh. Most of the cases relate to USA, UK and Canada. Other cases are also there like with Australia, but they are very few.”

11. As regards the number of cases that have been reported to the National Commission for Women, the Committee have been informed that 28 cases of fraudulent NRI marriages have been reported to it during the last 3 years. State-wise details of the cases are as below:-

State	2006	2005	2004	Total
Punjab	4	2	1	7
Haryana	4	-	-	4
Uttar Pradesh	3	2	-	5
Kerala	1	-	-	1
Delhi	3	3	-	6
Andhra Pradesh	1	-	-	1
Others including victims abroad	2	2	-	4
Total	18	9	1	28

12. When the Committee desired to know, whether the Ministry of Overseas Indian Affairs, being the nodal Ministry for all matters relating to NRIs have initiated any steps to evolve coordination among the various agencies dealing with the issue of fraudulent NRI marriages, the Ministry replied as under:-

“Whenever it is felt necessary the Ministry of Overseas Indian Affairs consults Ministry of Women and Child Development, National Commission for Women, National Human Rights Commission and State Governments etc. on the issues relating to NRI marriages. The Ministry have held Seminars and National level Consultative Meetings with representatives of these Ministries & State Commissions for Women to evolve uniformity of opinion and better coordination in this regard. Pravasi Bharatiya Diwas (PBD) 2006 held in January, 2006, National Consultation in February 2006 and Regional workshop held in Thiruvananthapuram in September, 2006 are some examples”.

13. In response to a query regarding whether the Ministry of Overseas Indian Affairs felt it necessary to consult other agencies, it has been replied that in view of the commonality of interest, the Ministry consults other agencies concerned on the issue of NRI marriages. Currently, steps are being taken to convene an inter-ministerial meeting of the Ministries/Departments viz. Ministry of Women and Child Development, Ministry of Law and Justice, Ministry of External Affairs, Ministry of Home Affairs, National Commission for Women, National Human Rights Commission and Indian Society of International Law.

14. On a similar query, regarding coordination with the Ministry of External Affairs, it is replied that the Ministry of Overseas Indian Affairs and Ministry of External Affairs coordinate regularly on a whole range of issues through correspondences and meetings. They are also receiving complaints from the National Commission for Women about NRI marriages. These are attended to with due care.

C. ASSISTANCE PROVIDED TO NATIONAL COMMISSION FOR WOMEN BY MINISTRY OF OVERSEAS INDIAN AFFAIRS AND MINISTRY OF EXTERNAL AFFAIRS

15. When the Committee desired to know the details of assistance provided by the Ministry of Overseas Indian Affairs to National Commission for Women with regard to cases reported to them, the Ministry stated that whenever cases of problematic NRI marriages are referred by National Commission for Women, the same are taken up with authorities concerned such as Indian Missions, Police authorities or the State Governments for appropriate action in the matter.

16. The Ministry have also informed the Committee that the cases of Indian women deserted or divorced by their Overseas Indian spouses which have been referred to authorities concerned are normally followed up with reminders. In response to the cases referred to the Police authorities or State Governments the Ministry gets response from the authorities concerned intimating the factual position/present position of the FIR or court cases etc. When cases are forwarded to the Missions they intimate the Ministry as and when they are able to get response.

17. As regards assistance provided by the Ministry of External Affairs to National Commission for Women, the Committee have been informed through a reply as under:-

“The National Commission for Women forwards complaints relating to NRI marriages for investigation by our Missions/Posts abroad. The difficulty with such investigations is that the erring husbands in most cases remain untraceable. They have either left their employers or changed addresses and telephone numbers mentioned in the complaint. If the Mission/Post is able to get in touch with them, they either avoid the summons or turn hostile. Under such circumstances, only the local authorities would be able to trace the accused. A request can be made by the Indian police to their counterparts abroad to look for persons against whom

criminal complaints are pending in the case of those countries with whom we have treaties of Mutual Legal Assistance (MLATs). The request has to be routed through the Ministry of Home Affairs, Government of India which is the Central Authority for MLATs.”

D. COMMON ISSUES IN NRI MARRIAGES

18. Some of the typical instances of the issues that arise in NRI marriages, as intimated by National Commission for Women are as under:-

- “Woman married to NRI who was abandoned even before being taken by her husband to the foreign country of his residence – after a short honeymoon he had gone back, promising to soon send her ticket that never came. In many instances the woman would already have been pregnant when he left and so both she and the child (who was born later) were abandoned. The husband never called or wrote and never came back again. The in-laws who could still be in India would either plead helplessness or flatly refuse to help.
- Woman who went to her husband’s home in the other country only to be brutally battered, assaulted, abused both mentally and physically, malnourished, confined and ill-treated by him in several other ways. She was, therefore, either forced to flee or was forcibly sent back. It could also be that she was not allowed to bring back her children along. In many cases, the children were abducted or forcibly taken away from the woman.
- Woman who was herself or whose parents were held to ransom for payment of huge sums of money as dowry, both before and after the marriage, her continued stays and safety in her husband’s country of residence depending on that.
- Woman who reached the foreign country of her husband’s residence and waited at the international airport there only to find that her husband would not turn up at all.
- Woman who was abandoned in the foreign country with absolutely no support or means of sustenance or escape and without even the legal permission to stay on in that country.

- Woman who learnt on reaching the country of her NRI husband's residence that he was already married in the other country to another woman, whom he continued to live with.
- Woman who later learnt that her NRI husband had given false information on any or all of the following: his job, immigration status, earning, property, marital status and other material particulars, to con her into the marriage.
- Woman whose husband, taking advantage of more lenient divorce grounds in other legal systems, obtained ex-parte decree of divorce in the foreign country through fraudulent representations and/or behind her back, without her knowledge, after she was sent back or forced to go back to India or even while she was still there.
- Woman who was denied maintenance in India on the pretext that the marriage had already been dissolved by the court in another country.
- Woman who approached the court, either in India or in the other country, for maintenance or divorce but repeatedly encountered technical legal obstacles related to jurisdiction of courts, service of notices or orders, or enforcement of orders or learnt of the husband commencing simultaneous retaliatory legal proceeding in the other country to make her legal action.
- Woman who sought to use criminal law to punish her husband and in-laws for dowry demands and/or, or matrimonial cruelty and found that the trial could not proceed as the husband would not come to India and submit to the trial or respond in any ways to summons, or even warrant of arrest.
- Woman who was coaxed to travel to the foreign country of the man's residence and get married in that country, who later discovered that Indian courts have even more limited jurisdiction in such cases.
- Woman who had to fight nasty legal battles for custody of her children and for child support, and to bring them back with her after she was divorced or forced to leave, sometimes even facing charges of illegally abducting her own children.
- Many woman have also approached the Commission seeking redressal of their grievances having been deserted by their NRI Spouses. "

19. Explaining the position, Secretary, Ministry of Overseas Indian Affairs during evidence, stated as below:-

“This issue has assumed a little alarming proportion because in most of the cases it is reported that these marriages, in the case of some of the NRIs, they have already been married there and they subsequently marry here also and they cannot verify the particulars of these individuals. They promise these girls that they will be sending visa, but they never send the visa. In fact, in some of the cases they cannot even be traced. In most of the cases they come to us to help them finding out the whereabouts. We try to do it through the Missions. In some cases it is known later on that he has already obtained ex-parte divorce where nothing can be proceeded further. Back home, most of the girls become paupers because their parents have already disposed of their entire property to see that the girls are given a suitable marriage etc. In both the ways, the girl suffers.”

20. Adding further, the Secretary, Ministry of Overseas Indian Affairs deposed as under:-

“Normally, we notice that most of the parents, particularly, in Punjab and Haryana while arranging alliance do not verify about the bridegroom in their anxiety to get the best for their daughter. They want to finalize it in the fastest time possible because the bridegroom might be saying that only one month time is available with him as he has to go back, etc. Hence, it becomes very difficult to verify the antecedents of bridegroom unless they tell somebody else to do it. In most of the cases it is a hush-hush affair, and the people come to know only when the whole thing has materialized or anything has gone wrong with it. Marriages are taking place in a very large scale, we come to know only of the cases that have gone wrong. Thereafter they come to us, and the issue comes up as to why they did not verify about the person whether he was already married with children etc.”

21. Chairperson, National Commission for Women during an interaction session shared the following views on this aspect:-

“another problem is that husbands left wives without giving full details, phone numbers etc. due to which it would be difficult to trace them. We met 5-6 families who sold their fields etc for marriage but their daughters had not been called even once.”

E. LEGAL INTERVENTIONS – SCOPE AND LIMITATIONS

22. Matrimonial disputes are one of the most challenging and complex area for legal interventions within any system. In the Indian context, the absence of uniform civil laws and the abundance of personal laws of various religious communities make it further complex. Such legal complications get multiplied when a marriage steps out of the borders of a country and thus, the boundaries of a country's legal system.

23. Though the victims of fraudulent marriages, harassment or desertion can take recourse to legal proceedings against their overseas Indian spouses and/or their in-laws, under the provisions of Section 498A, 406, 506 and 34 of the Indian Penal Code and under the Dowry Prohibition Act, solution to the problem in an NRI marriage becomes highly complex because of the lacunae in the existing domestic laws and it falls within the purview of Private International Law.

a) Private International Law

24. While elaborating the term Private International Law, Ministry of Overseas Indian Affairs have stated that the rules of Private International Law resolve the issues concerning conflict of laws, which arise because of differences between the law of the country of nationality of a person and that of in which that person may reside, or of which he may acquire nationality. These issues most frequently arise in relation to personal matters such as marriage and divorce, custody of children, abduction of children, adoption and succession. These rules are mainly based on court decisions. In case of India, difficulties also arise because of personal laws relating to these matters determined by the religion of the individuals

concerned. In most of the countries abroad a unified civil code applies to all persons residing there.

25. As per the information furnished by National Commission for Women, the challenge for private international law primarily lies in addressing and reconciling the multiplicity of systems: on the one hand there is the universal maxim of jurisprudence that each country is sovereign and supreme within her own territory and has exclusive jurisdiction over everybody and everything within that territory and over every transaction that is effected there. On the other hand, there are a growing number of relationships, especially in the increasingly globalising world of today, that are created and exist within more than one country and across the sovereign borders. Since the legal systems of the world consist of a variety of territorial systems, each dealing with the same phenomena of life: birth, death, marriage, divorce, maintenance, custody even bankruptcy, contracts, wills and so on – but in most cases dealing with them differently. The moment a case acquires any cross-border dimensions, the court of one country must look beyond its own internal law, lest the relevant rule of the internal system to which the case additionally, or sometimes even, more appropriately, belongs, should happen to be in conflict.

26. The Committee have also been informed that the private international law is not the same in all countries. Almost every country in the modern world has its own system of municipal law differing materially from those of its neighbours, and also its own system of conflict of laws. In fact the 'conflict' of laws exists precisely because there are different systems of domestic law. But systems of the conflict of laws also differ, thus making private international law also a national law.

27. The Committee have been informed that to address this persisting difficulty and to bring as much uniformity among the various systems of private international law, the principle of comity of nations has been increasingly employed by the countries in the sense of laying down a uniform and accepted code of etiquette that governs the interactions of courts in different countries and whereby certain rules are recognized as common to all civilized jurisdictions. This has been done through a series of international conventions which have been signed by the member countries, many of them also following it up by domesticating the principles agreed therein, into the municipal statutes. For countries that have not signed such conventions or for situations that are not covered by any of them, the courts in each country have been adopting or evolving principles to adjudicate upon disputes involving a foreign complexion.

b) The Hague Conventions

28. The Committee have been informed that the 'The Hague Conference on Private International Law', an inter-governmental organization with its Headquarters in The Hague, Netherlands is engaged in developing multilateral legal instruments on issues of private international law including those related to person, family, or commercial situations, connected with more than one country, where there are differences in the legal systems.

29. Elaborating on the same, the Secretary, Ministry of Overseas Indian Affairs, during evidence stated as under:-

".....Presently in each country the law is different and a country's law cannot govern the marriage issues in another country. Under The Hague Convention, something is possible in which we have already initiated action through the concerned Ministry which is the Ministry of External Affairs and they have already taken action in that direction."

30. In this context, the Ministry of External Affairs informed the Committee through a written note as under:-

“India is not a member of The Hague Conference on Private International Law. However, a proposal to become a member of The Hague Conference is under process. While India is not yet a member of The Hague Conventions on family law matter, except for the Convention on Inter country Adoption, we are examining the issue of adherence to these Conventions. We are also participating as an observer in the negotiations for a Convention on recovery abroad of family maintenance. Further India is already a party to the following Conventions: (i) Convention abolishing the requirement of Legalisation for Foreign Public Documents 1961 (entered into force for India on 14th July, 2005); (ii) The Convention on Service abroad of Judicial and Extrajudicial Documents in Civil or Commercial Matters, 1965 (will enter into force on 1st August, 2007) and the Convention on Taking of Evidence Abroad in civil or commercial matters, 1970 (will enter into force on 8th April, 2007). Being a party to the Convention on Legalisation provides for speedy and problem-free attestation and verification of public documents in other foreign countries. The Convention on service abroad of Judicial and extra-judicial documents provides a reliable method of serving the summons and other judicial documents in that country and vice-versa which would help in reducing delays in such cases. The Convention on taking of evidence abroad in Civil or commercial Matters facilitates taking of evidence by means of letters of request by Diplomatic or Consular Agents and by Commissioners as well as through the courts of another country in cases where it is necessary to obtain evidence from a witness residing abroad. It would also provide greater certainty regarding admissibility of evidence obtained before Indian courts and thereby facilitate speedy disposal of cases. While these conventions on Private International Law are general and deal with civil procedures and not specifically relating to issues of marriage/divorce, they will facilitate speedy delivery of judicial documents, service of summons on defendant NRI husbands not present before Indian courts, thereby avoiding passing of ex-parte orders and also help taking and recording of evidence before Indian courts when witness/defendant is residing abroad”.

31. The Committee desired to know that in case India signs The Hague Convention, how will it help to deal with problematic NRI marriages. The representative of Ministry of External Affairs in response stated:-

"It makes it easier for several reasons. Today, if we are not signatories to the same Convention, then when we go to a foreign country's court, we have to prove that our courts actually meet their standards. Once we are signatory to a Convention, then that step is eliminated. A summon from an Indian court or an order from an Indian court saying pay maintenance to so and so; that can be served and enforce through the foreign legal system if we both are signatories to the various Conventions. This is important because then the person can get maintenance and can get some kind of support. Otherwise each case starts from zero. We have to prove that the court who has issued the order has right to issue the order and it is valid and meets their legal standards. This is a long process. It is a very difficult process also. It will help considerably if we sign the Conventions each in different ways."

32. Explaining further, Secretary, Ministry of External Affairs during evidence stated as below:-

"Even though we are not yet a Member of The Hague Convention on Family Law matters so far, we have signed a Convention on Inter-Country Adoption. We are examining the question of adherence to the other Conventions. We are also participating as an observer in the negotiations for a Convention on Recovery Abroad of Family Maintenance. We are already a party to some legal instruments which help us in the legal process of dealing with that. We are a party to the Convention Abolishing the Requirement of Legalization for Foreign Public Documents, to the Convention on the Service Abroad of Judicial and Extra Judicial Documents in Civil Law or Commercial Matters and the Convention on Taking of Evidence Abroad in Civil Law or Commercial Matters. This helps in taking judicial action against errant NRI husbands."

c) Bilateral treaties with other countries

33. On being asked to state whether the Ministry of Overseas Indian Affairs have explored the feasibility of signing bilateral treaties with other countries, the Ministry have stated that India has also negotiated bilateral agreements with foreign countries containing principles of cooperation inter-alia in service of documents, taking of evidence, and recognition and enforcement of judgments in civil and commercial matters including those relating to marriages and other women related problems. These countries

include Russian Federation, U.A.E. Mongolia, France, Kuwait, Ukraine and Bulgaria. The Ministry of Law and Justice is the nodal agency and Central Authority for negotiating agreements in this subject.

34. However, when the Committee desired to know that keeping in view the increasing cases of fraudulent NRI marriages, whether the Ministry of Overseas Indian Affairs have been pursuing the matter of signing bilateral treaties with other countries with the Ministry of Law and Justice, the following reply has been furnished :-

“Presently, there is no proposal under consideration of the Ministry of Law and Justice or External Affairs to have bilateral agreements/protocols to deal exclusively with cases of fraudulent NRI marriages. Such cases can, however, be considered under extradition treaties/arrangements or agreements on Mutual legal Assistance where such agreements exist. An inter-ministerial meeting in this regard is being planned to discuss the clauses which can be inserted into bilateral agreements to help victims of fraudulent NRI marriages, suggestions for which have already been called from all concerned Ministries.”

35. In a subsequent note, the Ministry informed the Committee that an Inter-Ministerial meeting to discuss the clauses to be inserted in the bilateral agreements to protect victims of fraudulent marriages was held in May, 2007. In the meeting, the following issues emerged out of detailed discussion:

- (i) In a number of cases, the women who are deserted by their Overseas Indian spouses do not have complete information about their husbands including details of passport, social security number, residential status, employment details, etc. and in the absence of the said information, the Missions are not able to trace the accused person. Taking note of this fact, it was felt that the Compulsory registration of marriages could help in this area.

- (ii) It has also come to the notice that the women who are deserted by their overseas Indian spouses do not get alimony/maintenance from their husbands. Therefore, it was suggested to explore the possibility of suitable provisions providing suitable remedy for such cases.
- (iii) MEA should examine inclusion of the name of the wife along with her photograph in the passport of NRI spouse which would act as a deterrent in case of bigamy. At the time of immigration check also this information can be tallied with the name of the wife that the person is sponsoring for the visa.
- (iv) It was pointed out that dowry is an offence in India but not abroad and consequently no action can be taken for dowry demands in foreign countries.
- (v) In a meeting, a suggestion was made to examine legal provisions whether a deserted wife could be made entitled to 50% share in the property of her husband.
- (vi) A suggestion was given to make legal provisions to recommend VISA for the Indian women deserted by their overseas Indian spouses.
- (vii) It was also suggested that rules should be made to the effect that marriages solemnized and registered in India could not be dissolved by foreign courts and that decrees of divorce obtained from foreign courts are not enforceable in India.

36. During the course of evidence, the Secretary, Ministry of Overseas Indian Affairs stated as below:-

“.....India and most of the countries have signed some bilateral agreements which is very broad but not specific. We are examining that also whether on these bilateral agreements we can take up with those countries as to whether they could consider this. But this has to be examined by both the Governments and accepted and then only a further course of action can be taken in this regard”.

37. When asked to state whether the Ministry of External Affairs have been pursuing the matter of signing bilateral treaties with the nodal Ministry of Law and Justice, the following reply has been furnished:-

“While the Ministry of External Affairs have not initiated any proposal to sign bilateral treaties with other countries specifically in the field of fraudulent NRI marriages, the Ministry will be happy to join the nodal Ministry - the Ministry of Overseas Indian Affairs – in exercise to examine this matter. It may also be mentioned that there already exists Mutual Legal Assistance Treaties in civil and criminal matters, Extradition Treaties as well as reciprocal arrangements with several countries, which provide an effective legal framework in this regard. Further, The Hague Conventions also offer us an effective legal framework in the multilateral context”.

38. Expressing their views on the issue, representative of National Commission for Women during interaction stated as under:-

“.....what is most important is, until and unless you have bilateral agreement in place with different countries, justice to women will not comeCountries like United States and Canada, where these kinds of incidents are maximum are part to The Hague Convention but they have not signed it. In that circumstances we have suggested to have a bilateral treaty with the concerned countries, particularly taking into account the recognition of the foreign judgments, service of summon abroad. Until and unless you serve your summons abroad and it is properly served and that person is brought to India, that can only be done through a mutual bilateral agreement. That is very important.”

39. Adding further, it was deposed as under:-

“.....Another very peculiar situation is ex-parte divorce. A person gets ex-parte divorce in a very easy manner. The status is that a man stands divorced in America but in India since that divorce is not recognized they are still husband and wife. This situation again can be cleared only through a mutual bilateral agreement which recognizes foreign judgments and decrees. Courts in United States should also recognize our courts in India and vice-versa.”

d) Extradition Treaties

40. The Committee were informed that the Ministry of External Affairs cannot suo motu initiate penal action against an Indian national abroad on the basis of a complaint from his wife/relatives in India, but the request for extradition has to come from a Court or investigating agency concerned.

41. On being asked to furnish details about the cases in which the Ministry have received request for extradition of husbands of fraudulent marriages from courts or investigating agencies concerned, the Ministry of External Affairs in their reply stated as under:-

"In 2006, the Ministry of External Affairs received 7 extradition requests directly from the Hon'ble Courts/investigating agencies. The cases pertain to extradition of the person(s) for committing offences of cruelty to a married woman (Section 498-A), criminal breach of trust (Section 406), and criminal intimidation (Section 506) of the Indian Penal Code and Section 3 and 4 of Dowry Prohibition Act. However, none of these requests could be complied with by this Ministry due to non-conformity to prescribed procedure, including incomplete documentation, incorrect address etc. These cases were returned to the concerned courts/investigating agencies for completion of extradition documents".

42. Adding further, Secretary, Ministry of External Affairs stated during evidence as under:-

"Today, we have Extradition Treaties with 30 countries and the Reciprocal Extradition Arrangements with another 10 countries. It is our policy and attempt to have Extradition Treaties with as many countries as possible. This can be used to bring an errant NRI husband back to India in case the crime falls within the ambit of the Treaty with the country concerned and, of course, it is subject to the completion of the formalities and documentation under the Treaty."

43. Going into the constraints faced by them in extradition, Secretary, Ministry of External Affairs further submitted as below:-

“Both the fraudulent marriages and the dowry issue are real problems. As I said, part of the problem with the dowry issue is that it is a crime in India but it is not a crime in those societies. Extradition is only possible in most of the extradition agreements if the act is a crime in both the countries. This is one problem which affects most of our cases. What we do there is this. Outside the legal framework we work with NGOs or community or community organizations.”

F. ROLE OF EMBASSIES/HIGH COMMISSIONS

44. The Committee have been informed that the Ministry of External Affairs and its Missions/Posts abroad attend to complaints regarding NRI marriages with the objective to help the feuding parties reach an amicable settlement.

45. As regards the role of the Missions/Posts abroad, the Ministry of External Affairs have stated that the same extends to calling the spouses and counselling them and/or approaching the local authorities to ascertain the whereabouts and welfare of the spouse, communicating with them and coordinating efforts for a reconciliation between the parties. Local Indian Associations or community associations to which the parties belong are also sometimes approached to mediate in the matter. In general, the Missions/Posts try to have marital disputes sorted out amicably. Wherever consular assistance is required, immediate help is provided. If the lady in distress wants to return to India, emergency travel documents are issued. In cases of women who seek refuge in the Consulate or Embassy premises, arrangements for temporary shelter and food are made on humanitarian grounds.

46. The Committee during evidence desired to know from the Ministry of External Affairs regarding the help that can be extended to women victim who wish to come back to India but her passport and visa have

been detained by her husband. To this, Foreign Secretary replied as under:-

“.....if passport of such victims are not with them we can issue emergency travel documents to them. She can contact Embassy through phone that she is there and tell her situation. We can then issue emergency travel documents. If she is not in a position to contact, her relatives residing in India can inform her situation.”

47. In reply to a query regarding helpline number, Secretary, Ministry of External Affairs during evidence stated as under:-

“.....In this context, we have taken two steps. First, people should register. When people come to us for registration, then we give them in writing number and full information. Second, in community organization we tell the names of nodal officers and measures that are available. We have selected those Missions where we think large number of cases are occurring.”

G. GOVERNMENTAL ACTIVITIES IN ADDRESSING ISSUES RELATED TO NRI MARRIAGES

48. The Ministry of Overseas Indian Affairs have informed the Committee that following steps have been taken by them to address the plight of women victims:-

a) Session on ‘Gender Issues’

The Ministry of Overseas Indian Affairs’ organized a parallel session on “Gender issues”. Besides the Overseas Indian delegates, NGOs, women organizations and State Government representatives attended this session. The following important issues were discussed amongst others:

- i) Problems related to marriage of Indian women to overseas nationals;
- ii) Problems of overseas Indian women in Gulf countries;
- iii) Issues related to adoption of children by overseas Indians.
- iv) Pressing for legislation that would help the judiciary to resolve such disputes.

- v) Providing better opportunities to the overseas Indian women entrepreneurs.
- vi) Setting up a special cell to provide free legal assistance and counselling for women.
- vii) More representations of women from the different diaspora countries at PBD.
- viii) The need to register all NRIs and overseas Indian marriages.
- ix) Including men in every discussion on "Gender"

b) Seminars and Workshops

49. The Ministry of Overseas Indian Affairs organized a National Consultation on Marriages with Overseas Indians in February, 2006 to take into account the perspectives of various stakeholders and make use of their practical experience in finalizing a booklet for guidance of women planning to get married to overseas Indians.

a) In the said National Consultation on Marriage with Overseas Indians, the following recommendations were made:

- i) The Ministry of Overseas Indian Affairs would finalize and publish vernacular editions of the Guidance Booklet on Marriages to Overseas Indians incorporating suggestions received during the National Consultation.
- ii) Pamphlet versions of the booklet is to be distributed through public offices, airports, travel agencies, NGOs, colleges etc in consultation with the State Governments.
- iii) An illustrated version of the pamphlet to be planned by the Ministry with the help of profession agencies.
- iv) Help lines and support networks to be set up in India and abroad to provide assistance to victims.

- v) The Ministry will start a pilot project in a district/State in India and a country abroad and then review the pilot and develop a rollout plan.
- vi) A gender cell will be created in the Ministry by setting up a community/exchange of persons interested in these issues.

50. The Ministry of Overseas Indian Affairs have so far organised two regional workshops one at Chandigarh in June, 2006 and another at Thiruvananthapuram in September, 2006 in collaboration with the National Commission for Women. The objective of the regional workshops was to create awareness among women in different parts of India on the problems relating to fraudulent marriages and to involve State Governments and Commissions, lawyers, members of judiciary, different concerned Ministries, law enforcement agencies and NGOs in the solution to this problem and to increase the coordination between all concerned. The Ministry launched the Malayalam version of information pamphlets to educate and sensitize prospective Indian brides and their families and planned to launch pamphlets in Hindi, English and other regional languages for distribution in relevant States.

c) Publicity and Awareness campaign

51. The Ministry of Overseas Indian Affairs, in collaboration with the Indian Society of International Law, has released a guidance booklet on marriages with Overseas Indians for the benefit of prospective brides and their families. This booklet contains information on safeguards available to women deserted by their NRI spouses, legal remedies available, authorities that can be approached for redressal of grievances and non-governmental organizations which can provide assistance.

52. In this regard, Secretary, Ministry of Overseas Indian Affairs stated during evidence as under:-

“.....it may be essential to actually increase the awareness through various media channels. We should make them aware that everything is not rosy on the other side when arranging such alliance. Therefore, they should be careful, and verify the particulars of the person.”

53. Regarding awareness programmes, NCW Chairperson stated during interaction as under:-

“.....there is greater need of awareness programmes in those States such as Punjab, Rajasthan, Delhi etc. where more number of such cases reported.....There is a need of awareness programme for Muslim community girls who go out to Gulf countries and Panchayat having 33% reservation for women can be used for this.”

54. The Ministry of Overseas Indian Affairs have also been bringing out information pamphlets to make Indian women aware of their rights and responsibilities. These pamphlets will be brought out in regional languages for the benefit of rural women. The Malayalam version (for distribution in Kerala) information pamphlets to educate and sensitize prospective Indian brides and their families with regard to problems arising out of marriages to overseas Indian has already been launched by the Minister in the Regional workshop held in Thiruvananthapuram in September, 2006. The pamphlets have been sent to the State Government of Kerala for distribution through village panchayats, Anganwadis, public offices, NGOs, airports, post offices, railway stations, hospitals/dispensaries etc.

d) Financial Assistance Scheme

55. The Committee have been informed that the Ministry of Overseas Indian Affairs have recently launched a scheme to give financial assistance to Indian women deserted or divorced by their overseas Indian spouses to

obtain legal and counselling services through the Indian Missions abroad. Under the scheme, financial assistance of US \$1000/- per case, will be provided to the victims of NRI marriages which will be released to the NGOs/Indian Women's Associations, etc. empanelled with the Indian Missions to provide legal and counselling services. The scheme has already been implemented with effect from 19th February, 2007.

56. Explaining further, the Secretary, Ministry of Overseas Indian Affairs, stated as below:-

".....Presently we have allocated about Rs. 2 crore to this scheme, and the maximum assistance will be about 1000 dollars for each case. Essentially, that will be for document cost and other related expenses."

57. Adding further, Secretary, Ministry of Overseas Indian Affairs stated as under:-

".....As I was mentioning briefly, in most of the cases the ex-parte divorce cases were coming to us in which, under the scheme, we will try to help these girls. It is only an initiative. It may not cover all cases. It is only just to put a fear that the Government is very anxious about this and has taken conscious decision to support these girls. Earlier, so far, there was no scheme and the person who does these types of things, feels that once he has married and gone away from the country nothing can be done to him. Now we are just conveying the message that still the Government of India can interfere in these cases if they are found to be justified and support these girls who approach the Government of India or the Mission by taking a legal action."

58. The Ministry of Overseas Indian Affairs have further stated that under the scheme Indian Missions in the countries concerned would empanel credible Indian Women's Organizations/Indian Community Associations/NGOs and their member advocates, preferably women advocates, to provide legal aid to the victims in distress.

e) Constitution of Gender Advisory Group

59. The Committee have been told that the Ministry of Overseas Indian Affairs have recently constituted a Gender Advisory Group consisting of representatives from related Ministries, NCW, State Governments, legal fraternity and non-governmental organizations. This Group will engage in exploring ways and means of providing assistance to women who face problems arising from marriages to overseas Indians. The Advisory group has due representation from men so that they can contribute in all discussions. The said group will give advice on the following issues:-

- a) Problems relating to marriages to overseas Indians;
- b) Problems relating to domestic help/house keepers particularly in the Gulf and South-East Asia.
- c) Issues relating to divorce, child custody, child adoption and surrogate motherhood.
- d) Prevention of trafficking in women.
- e) Pre-departure training for women seeking overseas employment.
- f) Extending counselling services (legal and medical).
- g) Entrepreneurship development for women workers returning to India.

H. OTHER SUGGESTIONS/SOLUTIONS

60. While interacting with National Commission for Women, aggrieved women and NGOs working for the cause of such women; some other suggestions/solutions were made before the Committee which have been summarized below:-

a) Involvement of different associations/societies

61. The Chairperson, National Commission for Women during an interaction session, suggested as under:-

“.....for any matrimonial advertisement, different associations and societies of Punjabis, Gujaratis etc. can act as NGO and get complete information about prospective bridegroom.”

She further added

“.....Indian societies can be involvedIn England there are 82 societies of Punjab out of which 6-7 can be identified and dialogue should be made between them.”

62. When the Committee desired to know from the Ministry of Overseas Indian Affairs whether it is feasible to involve such associations for getting complete information about the prospective bridegroom and the steps proposed to be taken by the Ministry to involve such societies, the Ministry replied that they have launched a scheme to provide financial assistance to women deserted or divorced by their overseas Indian spouses to be implemented through NGOs/Indian Women's Associations, etc. empanelled with the Indian Missions abroad. Such NGOs/Associations etc. could also assist in providing relevant information about the prospective grooms and the Ministry will try to use them for this purpose when such requests are received.

63. However, Ministry of External Affairs in their reply to a similar query have stated that the use of local Indian organizations or community associations as an instrument of official policy to obtain personal information on or advocate social boycott of an individual, howsoever tainted he might be, might be termed illegal in the concerned countries, where there are strict privacy laws. It is the duty of a Consular Officer to advise and guide the Indian community in an impartial manner in a variety of matters affecting the life of the community as a whole.

b) Amendment in Passport Act

64. Representative of National Commission for Women while interacting with the Committee stated as under:-

“We have made another recommendation that in the passport, if a person is going abroad, the name of his spouse should be included. These are small things – marriage registration and inclusion of spouse’s name in passport”.

65. The Committee having taken note of the fact that there is a need to amend Passport Act, enquired from the Ministry of Overseas Indian Affairs whether they have proposed any amendment in Passport Act keeping in view the increasing number of fraudulent marriages. To this, the Ministry replied in the negative.

66. The Ministry of External Affairs in their background note furnished to the Committee have stated that at present there is no proposal to amend the Passports Act to address the problem of NRI marriages. However, Ministry of External Affairs will give expeditious consideration to any suggestions in this regard emerging from the relevant organizations.

67. When the Committee desired to know from the Ministry of Overseas Indian Affairs as to whether passports of NRI husbands of fraudulent NRI marriages can be impounded by the Ministry, the Ministry replied that Passports can be impounded/revoked only in accordance with Section (10) of the Passports Act, 1967 as informed by the administrative Ministry of Passport Act i.e. Ministry of External Affairs.

68. Explaining the position in this regard, Secretary, Ministry of External Affairs during evidence stated as under:-

“.....But, very often, we find we are actually asked to impound or revoke a passport in such cases of the husband. The legal position is really that we can only impound or revoke a

passport on specified grounds contained in Section 10 of the Passports Act. So, a mere complaint is not enough. It has to be ordered either by a court or somebody has to be convicted. There are certain grounds laid down in the Act for impounding or revocation of the passport.”

69. The Committee enquired from the Ministry of External Affairs whether they have received orders of any of the competent court in India for impounding/revocation of travel document of any NRI husband of fraudulent marriage. The Ministry replied that they do not have record of any orders of a competent court in India for impounding /revocation of travel documents of any NRI husband of fraudulent marriage.

70. Secretary, Ministry of Overseas Indian Affairs also stated as under during evidence:-

“some stringent action could be taken and if necessary in some cases their passports and other things could be impounded. Particularly in the case of NRI, as long as he is holding an Indian passport, we have got a considerable influence which we can effectively use if we take a conscious decision. We empower the Indian Missions abroad that their passports can be impounded. But it has to be a policy decision which can be done only after considerable discussion and deliberation because unless we know on both sides what are the two stories, it may be a very strong course of action. It can send a wrong signal also.”

c) Gender Budgeting

71. National Commission for Women Chairperson during interaction made a suggestion as under:-

“..... I request you that whatever money has to be spent on women, you should press States and Central Government that 10% of that money should be kept separately for problems like dowry, Child marriage, etc.”

d) Compulsory Registration of Marriages

72. Aggrieved women while interacting with the Committee expressed the view that there is a need for compulsory registration of marriages. In all marriage registration documents there is a column regarding the marital status of an NRI person for which an affidavit notarized by Embassy officials has to be given.

73. In this regard, representative of the National Commission for Women during evidence stated;

“We feel that here prevention would be better than cure. For prevention, there are two things that we have recommended and we would like your indulgence and indulgence of this Committee for consideration of these two points. One is that already we have presented to the Government the Compulsory Marriage Registration Bill which is now lying with the Government. If this Bill is considered by the Government and passed, then, we feel that this problem to some extent would be checked”.

74. In fact, during evidence, Foreign Secretary also emphasized the need to get marriages registered with the Embassy and stated;

“.....when a bride goes abroad, please ask her to register with the Embassy at that time. That is very important, even if everything seems to be fine, this has to be done. When things are normal that is the best time to go and register it.”

75. Regarding Compulsory Registration of Marriages, the Secretary, Ministry of Overseas Indian Affairs also stated;

“The hon. Supreme Court, very recently had given a direction that this should be done. I have written to most of the State Governments to implement the Supreme Court’s decision. Some of the State Governments have responded that they are taking actions.”

e) Separate Cell/Agency in Mission abroad

76. A woman victim of fraudulent NRI marriage expressed the view that there is a need of separate Agency/Cell in Indian Embassy which can be approached by deserted women for help.

77. National Commission for Women Chairperson also expressed a similar view during interaction:

“.....there should be awareness in our community and country. Today several States have different cells, like NRIs Cell in Punjab. That should be empowered and such Cells should be there in every State.”

78. The Committee, therefore, desired to know from the Ministry of Overseas Indian Affairs whether there is any proposal to set up an agency under the control of the Ministry with whom victims can contact directly to know the status of their case to track down their husbands. The Ministry replied that there is no such proposal presently under consideration.

79. In response to a query, Secretary, Ministry of Overseas Indian Affairs during evidence stated as under:-

“Regarding having a separate cell, it is a very good suggestion. We are moving in this direction. Consultations are going on with the Ministry of External Affairs because Missions are under the control of Ministry of External Affairs. They have to agree to this. We have already taken up this issue with them. If this forum could recommend, I would take it up with my counterpart and see that it is put in place faster.”

Observations/Recommendations

80. Overseas Indians include Indian citizens who have moved abroad for higher studies and/or work or foreign citizens whose parents are of Indian origin. Many overseas Indians seek matrimonial alliance with Resident Indians due to cultural similarities and traditional Indian values. With the increase in Indian Diaspora and consequently overseas marriages, the number of matrimonial and related disputes in such marriages has also risen proportionately. The problems of women trapped in fraudulent NRI marriages include aspects like dowry, concealment of earlier/existing marriages, marriages of convenience etc.

The Committee note that different agencies viz. Ministry of Overseas Indian Affairs, Ministry of External Affairs, Ministry of Women and Child Development, National Commission for Women, State Commissions for Women, National Human Rights Commission, State Governments etc. are dealing with the issue of problematic NRI marriages. The Committee are constrained to note that no well defined/evolved coordination mechanism exists among the aforementioned agencies. The Ministry of Overseas Indian Affairs, the nodal Ministry for all matters relating to NRIs, consults the Ministry of Women and Child Development, National Commission for Women, National Human Rights Commission, etc. on the issues relating to NRI marriages only when they feel it necessary to do so. What is more disturbing is the fact that the Ministry of Overseas Indian Affairs have so far not taken any concrete steps to evolve a convergence among the various agencies. Since women victims of such marriages approach

different agencies for registering their complaints, the Committee are of the view that there should be proper coordination among all the concerned agencies to enable the aggrieved women to get a respectable solution to their problems. The Committee, therefore, recommend that the Ministry of Overseas Indian Affairs, being the nodal Ministry for the purpose, should take urgent steps to evolve a well-defined/coordinated mechanism among all the agencies to deal with the issue of problematic NRI marriages.

81. The Committee find that whenever cases of fraudulent NRI marriages are referred by National Commission for Women to the Ministry of Overseas Indian Affairs or the Ministry of External Affairs, the same are taken up with the respective authorities concerned such as Indian Missions, Police Authorities or State Governments, for appropriate action in the matter. The Committee understand that these cases are generally followed up with reminders and feedback to victims is sent only when the Ministries get some response from our Missions. The Committee, while interacting with the aggrieved women have found that the Ministries generally do not respond to the complaints filed with them. The Committee consider such an approach quite indifferent bordering on callousness. Considering the highly sensitive and emotional nature of the cases, the Committee are of the view that the Ministry should have a sympathetic attitude towards aggrieved women and therefore, recommend that through proper follow-up action, the Ministry of Overseas Indian Affairs should ensure regular feedback to the complainants regarding the action taken by the Ministry and the status of their cases.

82. The Committee note with concern that over the years the problems in NRI marriages have assumed alarming proportions. Such cases may generally take the shape of abandonment of spouse for various reasons, domestic violence, extra-marital relationships, delay in the system of acquiring visa/immigration, ex-parte divorces, etc. The Committee find that the absence of proper precautions and sufficient fact finding is the main reason behind the mismatch of expectations turning marriages sour. In their eagerness not to let go of the so called 'promising alliances', the families often totally ignore even the common cautions that are generally observed in traditional match-making. The Committee, therefore, feel that proper guidance as to how due diligence can be exercised before entering into such alliances can only minimize the problem. They, therefore, urge upon the Government to take up community mobilization and capacity building through rigorous steps to ensure precaution so as to obviate such cases.

83. The Committee find that the matrimonial disputes in NRI marriages elude resolution due to the complexities and lacunae in the existing domestic and international laws. When the marriage steps out of the boundaries of a country's legal system and enters the domain of Private International Law, finding a proper solution to the problem becomes extremely complex and difficult. The Committee note that the Private International Law is not the same in all the countries and it tries to reconcile the conflict of laws which arise out of differences between the law of the country of nationality of a person and that of in which that person may reside, or of which he may acquire nationality. The Committee also find that in order to bring uniformity among various systems of Private International Law and to lay down

uniform and accepted codes of etiquette that govern interactions of courts in different countries, a series of international conventions need to be signed by countries. The Committee observe that the conventions of 'The Hague Conference on Private International Law' can greatly smoothen the process of dispute adjudication among the legal systems to which the NRI husband and wife belong, by providing appropriate civil procedures acceptable to both jurisdictions. However, they are disturbed to note that India is not yet a signatory to The Hague Conventions. The Committee are of the view that unless India become a party to the related conventions of The Hague Conference, justice cannot be meted out to aggrieved Indian women. Considering the importance and usefulness of The Hague Conventions, the Committee recommend that immediate steps should be taken by the Government to become a signatory to The Hague Conventions, especially the ones, related to NRI marriages.

84. The Committee understand that signing reciprocal bilateral treaties with other countries will also be of use in tackling the issue of fraudulent NRI marriages. However, the Ministry of Overseas Indian Affairs has informed them that at present, there is no proposal under consideration of the Ministry of Law and Justice or Ministry of External Affairs to have bilateral agreements/protocols to deal exclusively with cases of fraudulent NRI marriages. The Committee have also observed that Mutual Legal Assistance Treaties in civil and criminal matters, Extradition Treaties and reciprocal arrangements already exist with several countries. The Committee, therefore, desire that the Government should examine the feasibility of entering into reciprocal bilateral treaties with countries where Indian Diaspora is in large number taking into account issues such as grounds for recognition and

validity of divorce decrees, various judicial decisions dealing with the issue of domicile, nationality, child custody, abduction etc. They also desire that the action taken in this regard may be intimated to the Committee. The Committee also urge upon the Ministry of External Affairs to examine the feasibility of invoking the provisions of Extradition Act, 1962 which provides for return of any person accused of or convicted for an extradition offence from foreign country to India.

85. The Committee find that in the Indian context, the absence of uniform civil laws and the abundance of personal laws of various religious communities make matrimonial disputes extremely difficult to deal with. They, therefore, recommend the Government to consider enactment of uniform personal laws for all religious communities on marriage/divorce, maintenance, property rights, etc. and incorporate special provisions in them with regard to NRI marriages.

86. The Committee have been informed that the Ministry of External Affairs and its Missions/Posts abroad attend to complaints regarding NRI marriages with an objective to helping the feuding parties reach an amicable settlement. They also find that arrangements for temporary shelter and food are made on humanitarian grounds, in case a woman seeks refuge in the Consulate or Embassy premises and emergency travel documents are issued if the women in distress want to return to India. The Committee while appreciating the considerate approach shown by the Missions abroad, urge upon them to ensure that such emergency consular services are easily accessible to all NRI wives in distress.

87. The Committee find that in the various seminars, workshops, sessions and consultations organized by the Ministry of Overseas Indian Affairs to address the issues related to NRI marriages, a multitude of suggestions have emerged to tackle the problem. Since the Committee are of the opinion that the problems of fraudulent NRI marriages is more of social nature than of legal nature, the best way to deal with it is to create awareness among general masses particularly in the States where problem is more rampant. Information campaign to educate prospective brides and their families about pitfalls of entering into an alliance with an NRI person with unknown credentials should be given utmost importance. The Committee note that the Ministry of Overseas Indian Affairs have brought out a Guidance Booklet on marriages to Overseas Indians. Besides, the Ministry has been distributing the pamphlet version of the booklet in Hindi, English, Punjabi, Telugu and Malayalam. The Committee, while appreciating the efforts, recommend that such pamphlets should be brought out in all regional languages without any delay. As precaution is better than cure, the Committee also urge upon the Government to give wider publicity to its efforts and resort to aggressive awareness campaign using print/electronic media and all other possible channels such as Panchayats, anganwadis, Airports, Post Offices, travel agents etc. Special awareness programme for Muslim girls who are married off to Gulf countries is also required to be mounted. The Government can involve and consult other related agencies/NGOs in developing such awareness campaigns.

88. The Committee observe that the Ministry of Overseas Indian Affairs have recently launched a scheme to give financial assistance to Indian women deserted or divorced by their

overseas Indian spouses to obtain legal and counselling services through the Indian Missions abroad. They find that the Ministry have earmarked 2 crore rupees for the Scheme and financial assistance of US \$1000 per case, will be provided to the victims of NRI marriages which will be released to the NGOs/Indian Women Associations etc. empanelled with the Indian Missions to provide legal and counselling services. The Committee are of the view that the amount of US \$ 1000 is quite insufficient to bear the expenses of legal attorney in countries like USA and Canada. Moreover, keeping in view the manifold increase in the number of problematic NRI marriages, the total amount earmarked for the scheme also appears to be insufficient. Even the Secretary of the Ministry of Overseas Indian Affairs has admitted this fact. The Committee, therefore, recommend that the Ministry of Overseas Indian Affairs should take up the matter with the Ministry of Finance for an increase in the amount earmarked for the scheme. The Committee also desire that the amount of financial assistance per case, provided under the Scheme should be increased keeping in view the legal costs involved in such cases in other countries. The Committee would also like to be apprised of the action taken in this regard.

89. The Committee have been informed that the Ministry of Overseas Indian Affairs have recently constituted a Gender Advisory Group consisting of representatives from related Ministries, NCW, State Governments, legal fraternity and non-governmental organizations. They further find that this Group will engage in exploring ways and means of providing assistance to women who face problems arising from marriages to overseas Indians. The Committee would like to be apprised of the activities and achievements of this Advisory Group, especially

with regard to handling problems in NRI marriages, divorce and child custody.

90. The Committee have come across a number of suggestions during their interaction with National Commission for Women, Women victims of fraudulent NRI marriages and NGOs working for the cause of such women. The Committee would urge upon the Government to consider and implement the following suggestions besides taking steps on their recommendations made in the preceding paragraphs:-

- i) The Committee are of the view that all marriages, irrespective of religion should be compulsorily registered. However, only a few States have made registration of marriages compulsory. The Committee strongly believe that if a marriage is registered, it provides valid evidence/proof of such alliance and will protect the rights of the woman to a greater extent. In marriages with NRIs, such registration will not only help a woman fight her case if deserted but also enable the Embassy to have full information about the marriage while keeping a track of the erring NRI husband. The Committee, therefore, desire the Government to make registration of all marriages mandatory, making the procedure simpler, affordable and accessible. The Committee would like to be apprised about the action taken by each State Government in this behalf. The Government in this regard may consider enactment of a suitable legislation.

- ii) The Committee also recommend that the marriage certificate for NRI marriage should be issued in duplicate to facilitate the deserted woman to fight her legal battle even if the original marriage certificate is taken away by her husband on the pretext of getting visa, etc.

- iii) The Committee also feel that there is a need to amend Passport Act for including the detailed particulars along with photographs of the spouse and add special provision for cancellation of passport of intimidate NRI spouse. They, therefore, desire the Ministry of External Affairs to take suitable steps in this direction and inform the Committee accordingly.

- iv) As the victims of problematic NRI marriages tend to immediately approach the Indian Embassies, the Committee find an urgent need to set up separate Cells with Indian Embassies, especially, in target countries to render necessary help in such cases. They recommend that the Ministry of External Affairs should take concrete steps to set up such special Cells in Embassies/Posts/Missions abroad, especially in countries having large Indian Diaspora.

- v) The Committee are of the view that various associations and societies of Punjabis, Gujaratis etc. residing in other countries can be utilized for getting complete information about prospective bridegroom. They, therefore, desire that the Ministry of Overseas Indian Affairs in consultation with the Ministry of External Affairs should examine the feasibility of involving such associations/societies in getting complete information about prospective bridegrooms as well as husbands of such marriages. Further, the Ministry of Overseas Indian Affairs should take specific steps to identify such associations in particular countries and thereafter, create an awareness about such associations in India.
- vi) The Ministry of External Affairs should ensure that there should be a provision for submission of Affidavit by the potential NRI husband also indicating his economic, marital and citizenship status with respect to host country. This would help in evoking the legal provisions if the husband defaults or make a misrepresentation.
- vii) The Committee desire that out of the budgetary allocations earmarked for the welfare of women, a suitable amount should be apportioned for dealing with the problems relating to fraudulent marriages, dowry, child marriage, etc.

NEW DELHI;
10th August, 2007
19 Sravana, 1929 (Saka)

KRISHNA TIRATH,
Chairperson,
Committee on Empowerment of Women

PART - I I

MINUTES
COMMITTEE ON EMPOWERMENT OF WOMEN (2006-2007)

Fifth Sitting
(12.12.2006)

The Committee sat on Tuesday, the 12th December, 2006 from 1600 hrs. to 1730 hrs. in Room No. 139, PHA, Parliament House Annexe, New Delhi.

PRESENT

Smt. Krishna Tirath - Hon'ble Chairperson

MEMBERS

LOK SABHA

2. Smt. Preneet Kaur
3. Shri Rajesh Kumar Manjhi
4. Prof. Ramadass
5. Smt. C.S.Sujatha
6. Smt. Jayaben Thakkar

RAJYA SABHA

7. Ms. Pramila Bohidar
8. Smt. Prema Cariappa
9. Kumari Nirmala Deshpande
10. Smt. N.P. Durga
11. Smt. Maya Singh

SECRETARIAT

1. Smt. Veena Sharma - Deputy Secretary
2. Shri V.P. Goel - Assistant Director

WITNESSES

National Commission for Women

- | Sl. No. | Name | | |
|---------|-------------------------|---|------------------|
| 1. | Dr. Girija Vyas | - | Chairperson |
| 2. | Dr. Malini Bhattacharya | - | Member |
| 3. | Ms. Nirmala Venkatesh | - | Member |
| 4. | Ms. Yasmeen Abrar | - | Member |
| 5. | Ms. Neeva Konwar | - | Member |
| 6. | Shri N.P. Gupta | - | Member-Secretary |
| 7. | Shri Yogesh Mehta | - | Law Officer |

2. At the outset, the Hon'ble Chairperson welcomed the Chairperson and Members of the National Commission for Women and requested them to brief the Committee about the various aspects of the subject 'plight of Indian women deserted by NRI husband' and the problems arising out of NRI marriages leading to victimization of women. During the discussion the Chairperson, National Commission for Women briefed the Committee over various aspects of NRI marriages such as complexities of national and international laws concerning NRI marriages; legal assistance/counseling provided by the NCW to women victims of fraudulent NRI marriages; problems/difficulties that have been faced by the NCW while dealing with such cases and the steps taken by NCW to address the plight of Indian women deserted by NRI husbands.

3. The Members of the Committee then raised certain queries, which were replied to by the representatives of the NCW.

4. A verbatim record of the proceedings was kept.

The Committee then adjourned.

EXTRACTS OF MINUTES
COMMITTEE ON EMPOWERMENT OF WOMEN (2006-2007)

SIXTH SITTING
(14.12.2006)

The Committee sat on Thursday, the 14th December, 2006 from 1530 hours to 1630 hours in Room No. 139, Parliament House Annexe, New Delhi.

PRESENT

Smt. Krishna Tirath - Hon'ble Chairperson

MEMBERS

LOK SABHA

2. Smt. Preneet Kaur
3. Smt. Sushila Kerketta
4. Shri Tek Lal Mahato
5. Smt. Kiran Maheshwari
6. Smt. Neeta Pateriya
7. Prof. M. Ramadass
8. Smt. K. Rani
9. Smt. Tejaswini See Ramesh
10. Smt. Karuna Shukla
11. Shri M.P. Veerendra Kumar

RAJYA SABHA

12. Smt. Pramila Bohidar
13. Smt. N.P. Durga
14. Smt. Maya Singh

WITNESSES

NGOs

1. Prof. V.C. Govindraj,
Indian Society for International Law,
213, Vaishali, Pitampura,
Delhi –110088.
2. Dr. (Ms.) M.K. Jabbi,
Council for Social Development,
53, Lodhi Estate,
New Delhi –110003.

3. Prof. Laxmi Jambholkar,
63, Pocket-A, DDA S.F.S. Flats,
East of Kailash,
Near Sant Nagar Bus Stop,
New Delhi –110065.

AGGRIEVED WOMEN

1. Ms. Anupam Sinha,
Centre for Feminist Legal Research,
Flat No. 5-45, Friends Colony East, New Delhi –110065.
2. Ms. Reema Salkan,
612, Behind Veterinary Hospital,
Alipur,
Delhi –110036.

SECRETARIAT

- | | | |
|----|-------------------|----------------------|
| 1. | Shri J.P. Sharma | - Joint Secretary |
| 2. | Smt. Veena Sharma | - Deputy Secretary |
| 3. | Shri V.P. Goel | - Assistant Director |
2. At the outset, the Hon'ble Chairperson welcomed the Members of the Committee to the sitting.

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X	X	X	X
 3. Then the representatives of the NGOs and the aggrieved women were invited to the sitting. After their welcome Hon'ble Chairperson requested them to share their views on various aspects of the subject 'Plight of Indian Women Deserted by NRI Husbands' such as type of problems arising in NRI marriages which result into a number of women becoming victims and sufferers of such alliances; legal assistance/counseling provided and problems/difficulties that have been faced while dealing with such cases and other related issues. Thereafter, they shared their views on these aspects and replied to the subsequent queries of the Members of the Committee.
 4. A verbatim record of the proceedings has been kept.
The Committee then adjourned.

EXTRACTS OF MINUTES
COMMITTEE ON EMPOWERMENT OF WOMEN (2006-2007)

SEVENTH SITTING
(15.02.2007)

The Committee sat on Thursday, the 15th February, 2007 from 1130 hrs. to 1245 hrs. in Committee Room 'B', Parliament House Annexe, New Delhi.

PRESENT

Smt. Krishna Tirath - Hon'ble Chairperson

MEMBERS

LOK SABHA

2. Smt. Sushila Kerketta
3. Smt. Kiran Maheshwari
4. Smt. Minati Sen
5. Smt. C.S. Sujatha
6. Shri P.C. Thomas
7. Shri. M.P. Veerendra Kumar

RAJYA SABHA

8. Smt. Prema Cariappa
9. Kumari Nirmala Deshpande
10. Smt. N.P. Durga

WITNESSES

MINISTRY OF OVERSEAS INDIAN AFFAIRS

1. Shri Nirmal Singh Secretary
2. Shri G.Gurcharan Joint Secretary (FS) & (CVO)
3. Ms. Sandhya Shukla Director

SECRETARIAT

1. Shri J.P. Sharma - Joint Secretary
2. Smt. Veena Sharma - Deputy Secretary
3. Shri V.P. Goel - Assistant Director

2. At the outset, the Hon'ble Chairperson welcomed the Members of the Committee to the sitting. X X X X X
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3. Thereafter, the representatives of the Ministry of Overseas Indian Affairs were invited to the sitting to tender oral evidence on the subject 'Plight of Indian Women Deserted by NRI Husbands'. After their welcome and apprising them of the provisions of Direction 58 of the Directions by the Hon'ble Speaker, Lok Sabha, Hon'ble Chairperson requested to enlighten the Committee on certain aspects of the subject viz. problems faced by women victims of fraudulent NRI marriages; procedure adopted by the Ministry to deal with such cases; follow-up action taken on such cases by the Ministry and steps taken by the Ministry to address the plight of Indian women deserted by NRI husbands, etc. The representatives of the Ministry of Overseas Indian Affairs presented their views on these aspects before the Committee. They also replied to the points raised by the Members of the Committee subsequently.

Thereafter, the Hon'ble Chairperson requested them to furnish notes on the points raised by the Members to which replies were not readily available with them during the discussion.

4. A verbatim record of the proceedings has been kept.

The Committee then adjourned.

MINUTES
COMMITTEE ON EMPOWERMENT OF WOMEN (2006-2007)

NINTH SITTING
(20.4.2007)

The Committee sat on Friday, the 20th April, 2007 from 1100 hrs. to 1230 hrs. in Committee Room 'D', Parliament House Annexe, New Delhi.

PRESENT

Smt. Krishna Tirath - Hon'ble Chairperson

MEMBERS

LOK SABHA

2. Shri Tek Lal Mahato
3. Smt. Kiran Maheshwari
4. Smt. Tejashwini See Ramesh
5. Smt. Minati Sen
6. Smt. Karuna Shukla
7. Smt. C.S. Sujatha
8. Smt. Jayaben Thakkar
9. Shri P.C. Thomas

RAJYA SABHA

10. Smt. N.P. Durga
11. Smt. S. G. Indira
12. Smt. Maya Singh

WITNESSES

MINISTRY OF EXTERNAL AFFAIRS

- | | | |
|----|-------------------------|----------------------|
| 1. | Shri Shiv Shankar Menon | Secretary |
| 2. | Shri Sharat Sabharwal | Additional Secretary |
| 3. | Shri R.R. Dash | Joint Secretary |
| 4. | Shri P.M. Meena | Joint Secretary |

SECRETARIAT

- | | | |
|----|---------------------|----------------------|
| 1. | Shri S.K. Sharma | Additional Secretary |
| 2. | Shri Devender Singh | Joint Secretary |
| 3. | Shri C. S. Joon | Director |
| 4. | Smt. Veena Sharma | Deputy Secretary |

2. At the outset, the Chairperson welcomed the Members and the representatives of the Ministry of External Affairs to the sitting of the Committee.

3. After apprising the representatives of the Ministry of the provisions of Direction 58 of the Directions by the Hon'ble Speaker, Lok Sabha, Chairperson requested them to enlighten the Committee on the various aspects of the subject viz. problems faced by women victims of fraudulent NRI marriages; complexities arising out of international and national laws concerning NRI marriages; legal assistance/counseling provided by the Ministry to women victims; problems/difficulties that have been faced by the Ministry while dealing with such cases; steps taken by the Ministry to address the plight of Indian women deserted by NRI husbands and to check the rising cases of fraudulent NRI marriages, etc. The representatives of the Ministry of External Affairs presented their views/suggestions on these aspects before the Committee. They also replied to the points raised by the Members of the Committee subsequently.

4. Thereafter, the Chairperson requested the representatives of Ministry of External Affairs to furnish information on the points raised by the Members which could not be replied during evidence as information was not readily available with them.

5. A verbatim record of the proceedings has been kept.

The Committee then adjourned.

MINUTES
COMMITTEE ON EMPOWERMENT OF WOMEN (2006-2007)

Thirteenth Sitting
(02.8.2007)

The Committee sat on Thursday, the 2nd August, 2007 from 1130 hrs. to 1200 hrs. in Committee Room 'D', Parliament House Annexe, New Delhi.

PRESENT

Smt. Krishna Tirath - Hon'ble Chairperson

MEMBERS

LOK SABHA

2. Smt. Manorama Madhawraj
3. Shri Tek Lal Mahato
4. Shri Rajesh Kumar Manjhi
5. Smt. Minati Sen
6. Smt. C.S. Sujatha
7. Smt. Jayaben Thakkar
8. Shri P.C. Thomas

RAJYA SABHA

9. Kumari Nirmala Deshpande
10. Smt. N.P. Durga

SECRETARIAT

1. Shri Devender Singh - Joint Secretary
2. Smt. Veena Sharma - Deputy Secretary

2. At the outset, Chairperson welcomed the Members to the sitting of the Committee.

3. The Committee then took up for consideration the draft Report on the subject 'Plight of Indian Women Deserted by NRI Husbands'. After some deliberations, the Committee adopted the draft Report without any change and authorised the Chairperson to finalise the Report and present the same to Parliament.

The Committee then adjourned.

Annexure VISTATEMENT OF OBSERVATIONS/RECOMMENDATIONS

Sl. No.	Para No.	Recommendations/Observations	Ministry/Department
1.	80.	<p>Overseas Indians include Indian citizens who have moved abroad for higher studies and/or work or foreign citizens whose parents are of Indian origin. Many overseas Indians seek matrimonial alliance with Resident Indians due to cultural similarities and traditional Indian values. With the increase in Indian Diaspora and consequently overseas marriages, the number of matrimonial and related disputes in such marriages has also risen proportionately. The problems of women trapped in fraudulent NRI marriages include aspects like dowry, concealment of earlier/existing marriages, marriages of convenience etc.</p> <p>The Committee note that different agencies viz. Ministry of Overseas Indian Affairs, Ministry of External Affairs, Ministry of Women and Child Development, National Commission for Women, State Commissions for Women, National Human Rights Commission, State Governments etc. are dealing with the issue of problematic NRI marriages. The Committee are constrained to note that no well defined/evolved coordination mechanism exists among the aforementioned agencies. The Ministry of Overseas Indian Affairs, the nodal Ministry for all matters relating to NRIs, consults the Ministry of</p>	<p>i) Ministry of Overseas Indian Affairs</p> <p>ii) Ministry of External Affairs</p> <p>iii) Ministry of Women and Child Development</p>

		<p>Women and Child Development, National Commission for Women, National Human Rights Commission, etc. on the issues relating to NRI marriages only when they feel it necessary to do so. What is more disturbing is the fact that the Ministry of Overseas Indian Affairs have so far not taken any concrete steps to evolve a convergence among the various agencies. Since women victims of such marriages approach different agencies for registering their complaints, the Committee are of the view that there should be proper coordination among all the concerned agencies to enable the aggrieved women to get a respectable solution to their problems. The Committee, therefore, recommend that the Ministry of Overseas Indian Affairs, being the nodal Ministry for the purpose, should take urgent steps to evolve a well-defined/coordinated mechanism among all the agencies to deal with the issue of problematic NRI marriages.</p>	
2.	81.	<p>The Committee find that whenever cases of fraudulent NRI marriages are referred by National Commission for Women to the Ministry of Overseas Indian Affairs or the Ministry of External Affairs, the same are taken up with the respective authorities concerned such as Indian Missions, Police Authorities or State Governments, for appropriate action in the matter. The Committee understand that these cases are generally followed up with reminders and feedback to victims is sent only when the Ministries get some response from</p>	<p>i) Ministry of Overseas Indian Affairs</p> <p>ii) Ministry of External Affairs</p>

		<p>our Missions. The Committee, while interacting with the aggrieved women have found that the Ministries generally do not respond to the complaints filed with them. The Committee consider such an approach quite indifferent bordering on callousness. Considering the highly sensitive and emotional nature of the cases, the Committee are of the view that the Ministry should have a sympathetic attitude towards aggrieved women and therefore, recommend that through proper follow-up action, the Ministry of Overseas Indian Affairs should ensure regular feedback to the complainants regarding the action taken by the Ministry and the status of their cases.</p>	
3.	82.	<p>The Committee note with concern that over the years the problems in NRI marriages have assumed alarming proportions. Such cases may generally take the shape of abandonment of spouse for various reasons, domestic violence, extra-marital relationships, delay in the system of acquiring visa/immigration, <i>ex-parte</i> divorces, etc. The Committee find that the absence of proper precautions and sufficient fact finding is the main reason behind the mismatch of expectations turning marriages sour. In their eagerness not to let go of the so called 'promising alliances', the families often totally ignore even the common cautions that are generally observed in traditional match-making. The Committee, therefore, feel that proper guidance as to how due diligence can be exercised before entering into such alliances can only minimize the</p>	<p>i) Ministry of Overseas Indian Affairs</p> <p>ii) Ministry of Women and Child Development</p>

		<p>problem. They, therefore, urge upon the Government to take up community mobilization and capacity building through rigorous steps to ensure precaution so as to obviate such cases.</p>	
4.	83.	<p>The Committee find that the matrimonial disputes in NRI marriages elude resolution due to the complexities and lacunae in the existing domestic and international laws. When the marriage steps out of the boundaries of a country's legal system and enters the domain of Private International Law, finding a proper solution to the problem becomes extremely complex and difficult. The Committee note that the Private International Law is not the same in all the countries and it tries to reconcile the conflict of laws which arise out of differences between the law of the country of nationality of a person and that of in which that person may reside, or of which he may acquire nationality. The Committee also find that in order to bring uniformity among various systems of Private International Law and to lay down uniform and accepted codes of etiquette that govern interactions of courts in different countries, a series of international conventions need to be signed by countries. The Committee observe that the conventions of 'The Hague Conference on Private International Law' can greatly smoothen the process of dispute adjudication among the legal systems to which the NRI husband and wife belong, by providing appropriate civil procedures acceptable to both jurisdictions. However, they are disturbed to note that India is not yet a signatory to The</p>	<p>i) Ministry of Overseas Indian Affairs</p> <p>ii) Ministry of External Affairs</p> <p>iii) Ministry of Law and Justice</p>

		<p>Hague Conventions. The Committee are of the view that unless India become a party to the related conventions of The Hague Conference, justice cannot be meted out to aggrieved Indian women. Considering the importance and usefulness of The Hague Conventions, the Committee recommend that immediate steps should be taken by the Government to become a signatory to The Hague Conventions, especially the ones, related to NRI marriages.</p>	
5.	84.	<p>The Committee understand that signing reciprocal bilateral treaties with other countries will also be of use in tackling the issue of fraudulent NRI marriages. However, the Ministry of Overseas Indian Affairs has informed them that at present, there is no proposal under consideration of the Ministry of Law and Justice or Ministry of External Affairs to have bilateral agreements/protocols to deal exclusively with cases of fraudulent NRI marriages. The Committee have also observed that Mutual Legal Assistance Treaties in civil and criminal matters, Extradition Treaties and reciprocal arrangements already exist with several countries. The Committee, therefore, desire that the Government should examine the feasibility of entering into reciprocal bilateral treaties with countries where Indian Diaspora is in large number taking into account issues such as grounds for recognition and validity of divorce decrees, various judicial decisions dealing with the issue of domicile, nationality, child custody, abduction etc. They also desire that the action taken in this regard may be</p>	<p>i) Ministry of Overseas Indian Affairs</p> <p>ii) Ministry of External Affairs</p> <p>iii) Ministry of Law and Justice</p>

		intimated to the Committee. The Committee also urge upon the Ministry of External Affairs to examine the feasibility of invoking the provisions of Extradition Act, 1962 which provides for return of any person accused of or convicted for an extradition offence from foreign country to India.	
6.	85	The Committee find that in the Indian context, the absence of uniform civil laws and the abundance of personal laws of various religious communities make matrimonial disputes extremely difficult to deal with. They, therefore, recommend the Government to consider enactment of uniform personal laws for all religious communities on marriage/divorce, maintenance, property rights, etc. and incorporate special provisions in them with regard to NRI marriages.	<ul style="list-style-type: none"> i) Ministry of Overseas Indian Affairs ii) Ministry of External Affairs iii) Ministry of Home Affairs iv) Ministry of Law and Justice
7.	86.	The Committee have been informed that the Ministry of External Affairs and its Missions/Posts abroad attend to complaints regarding NRI marriages with an objective to helping the feuding parties reach an amicable settlement. They also find that arrangements for temporary shelter and food are made on humanitarian grounds, in case a woman seeks refuge in the Consulate or Embassy premises and emergency travel documents are issued if the women in distress want to return to India. The Committee while appreciating the considerate approach shown by the Missions abroad, urge upon them to ensure that such emergency consular services are easily	<ul style="list-style-type: none"> i) Ministry of Overseas Indian Affairs ii) Ministry of External Affairs

		accessible to all NRI wives in distress.	
8.	87.	<p>The Committee find that in the various seminars, workshops, sessions and consultations organized by the Ministry of Overseas Indian Affairs to address the issues related to NRI marriages, a multitude of suggestions have emerged to tackle the problem. Since the Committee are of the opinion that the problems of fraudulent NRI marriages is more of social nature than of legal nature, the best way to deal with it is to create awareness among general masses particularly in the States where problem is more rampant. Information campaign to educate prospective brides and their families about pitfalls of entering into an alliance with an NRI person with unknown credentials should be given utmost importance. The Committee note that the Ministry of Overseas Indian Affairs have brought out a Guidance Booklet on marriages to Overseas Indians. Besides, the Ministry has been distributing the pamphlet version of the booklet in Hindi, English, Punjabi, Telugu and Malayalam. The Committee, while appreciating the efforts, recommend that such pamphlets should be brought out in all regional languages without any delay. As precaution is better than cure, the Committee also urge upon the Government to give wider publicity to its efforts and resort to aggressive awareness campaign using print/electronic media and all other possible channels such as Panchayats, anganwadis, Airports, Post Offices, travel agents etc. Special awareness programme for</p>	<p>i) Ministry of Overseas Indian Affairs</p> <p>ii) Ministry of Women and Child Development</p>

		<p>Muslim girls who are married off to Gulf countries is also required to be mounted. The Government can involve and consult other related agencies/NGOs in developing such awareness campaigns.</p>	
9.	88.	<p>The Committee observe that the Ministry of Overseas Indian Affairs have recently launched a scheme to give financial assistance to Indian women deserted or divorced by their overseas Indian spouses to obtain legal and counselling services through the Indian Missions abroad. They find that the Ministry have earmarked 2 crore rupees for the Scheme and financial assistance of US \$1000 per case, will be provided to the victims of NRI marriages which will be released to the NGOs/Indian Women Associations etc. empanelled with the Indian Missions to provide legal and counselling services. The Committee are of the view that the amount of US \$ 1000 is quite insufficient to bear the expenses of legal attorney in countries like USA and Canada. Moreover, keeping in view the manifold increase in the number of problematic NRI marriages, the total amount earmarked for the scheme also appears to be insufficient. Even the Secretary of the Ministry of Overseas Indian Affairs has admitted this fact. The Committee, therefore, recommend that the Ministry of Overseas Indian Affairs should take up the matter with the Ministry of Finance for an increase in the amount earmarked for the scheme. The Committee also desire that the amount of financial assistance per case, provided under the Scheme should</p>	i) Ministry of Overseas Indian Affairs

		be increased keeping in view the legal costs involved in such cases in other countries. The Committee would also like to be apprised of the action taken in this regard.	
10.	89.	The Committee have been informed that the Ministry of Overseas Indian Affairs have recently constituted a Gender Advisory Group consisting of representatives from related Ministries, NCW, State Governments, legal fraternity and non-governmental organizations. They further find that this Group will engage in exploring ways and means of providing assistance to women who face problems arising from marriages to overseas Indians. The Committee would like to be apprised of the activities and achievements of this Advisory Group, especially with regard to handling problems in NRI marriages, divorce and child custody.	i) Ministry of Overseas Indian Affairs
11.	90.	<p>The Committee have come across a number of suggestions during their interaction with National Commission for Women, Women victims of fraudulent NRI marriages and NGOs working for the cause of such women. The Committee would urge upon the Government to consider and implement the following suggestions besides taking steps on their recommendations made in the preceding paragraphs:-</p> <p>i) The Committee are of the view that all marriages, irrespective of religion should be compulsorily registered. However, only a few States have made registration of marriages</p>	<p>i) Ministry of Overseas Indian Affairs</p> <p>ii) Ministry of External Affairs</p>

	<p>compulsory. The Committee strongly believe that if a marriage is registered, it provides valid evidence/proof of such alliance and will protect the rights of the woman to a greater extent. In marriages with NRIs, such registration will not only help a woman fight her case if deserted but also enable the Embassy to have full information about the marriage while keeping a track of the erring NRI husband. The Committee, therefore, desire the Government to make registration of all marriages mandatory, making the procedure simpler, affordable and accessible. The Committee would like to be apprised about the action taken by each State Government in this behalf. The Government in this regard may consider enactment of a suitable legislation.</p> <p>ii) The Committee also recommend that the marriage certificate for NRI marriage should be issued in duplicate to facilitate the deserted woman to fight her legal battle even if the original marriage certificate is taken away by her husband on the pretext of getting visa, etc.</p> <p>iii) The Committee also feel that there is a need to amend Passport Act for including the detailed particulars along with photographs of the spouse and add special provision for cancellation of passport of intimidate NRI spouse. They, therefore, desire the Ministry of External Affairs to take suitable steps in this direction and inform the Committee accordingly.</p>	<p>iii) Ministry of Home Affairs</p> <p>iv) Ministry of Law and Justice</p> <p>i) Ministry of Overseas Indian Affairs</p> <p>ii) Ministry of External Affairs</p> <p>iii) Ministry of Home Affairs</p> <p>iv) Ministry of Law and Justice</p> <p>i) Ministry of Overseas Indian Affairs</p> <p>ii) Ministry of External Affairs</p> <p>iii) Ministry of Home Affairs</p> <p>iv) Ministry of Law and Justice</p>
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	<p>accordingly.</p> <p>iv) As the victims of problematic NRI marriages tend to immediately approach the Indian Embassies, the Committee find an urgent need to set up separate Cells with Indian Embassies, especially, in target countries to render necessary help in such cases. They recommend that the Ministry of External Affairs should take concrete steps to set up such special Cells in Embassies/Posts/Missions abroad, especially in countries having large Indian Diaspora.</p> <p>v) The Committee are of the view that various associations and societies of Punjabis, Gujaratis etc. residing in other countries can be utilized for getting complete information about prospective bridegroom. They, therefore, desire that the Ministry of Overseas Indian Affairs in consultation with the Ministry of External Affairs should examine the feasibility of involving such associations/societies in getting complete information about prospective bridegrooms as well as husbands of such marriages. Further, the Ministry of Overseas Indian Affairs should take specific steps to identify such associations in particular countries and thereafter, create an awareness about such associations in India.</p> <p>vi) The Ministry of External Affairs should</p>	<p>i) Ministry of Overseas Indian Affairs</p> <p>ii) Ministry of External Affairs</p> <p>i) Ministry of Overseas Indian Affairs</p> <p>ii) Ministry of External Affairs</p> <p>i) Ministry of Overseas</p>
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	<p>ensure that there should be a provision for submission of Affidavit by the potential NRI husband also indicating his economic, marital and citizenship status with respect to host country. This would help in evoking the legal provisions if the husband defaults or make a misrepresentation.</p> <p>vii) The Committee desire that out of the budgetary allocations earmarked for the welfare of women, a suitable amount should be apportioned for dealing with the problems relating to fraudulent marriages, dowry, child marriage, etc.</p>	<p>Indian Affairs</p> <p>ii) Ministry of External Affairs</p> <p>i) Ministry of Overseas Indian Affairs</p> <p>ii) Ministry of External Affairs</p> <p>iii) Ministry of Women and Child Development</p>
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