

**15**

**STANDING COMMITTEE  
ON EXTERNAL AFFAIRS  
(2011-2012)**

**FIFTEENTH LOK SABHA**

**MINISTRY OF OVERSEAS INDIAN AFFAIRS**

**PROBLEMS RELATING TO OVERSEAS INDIAN MARRIAGES :  
SCHEME FOR PROVIDING LEGAL/FINANCIAL ASSISTANCE/  
REHABILITATION TO INDIAN WOMEN DESERTED BY THEIR  
OVERSEAS INDIAN SPOUSES**

**FIFTEENTH REPORT**



**LOK SABHA SECRETARIAT  
NEW DELHI**

*JUNE 2012/JYAISTHA, 1934 (Saka)*

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*Presented to Hon'ble Speaker, Lok Sabha on 12<sup>th</sup> July, 2012*  
*Presented to Lok Sabha on 14<sup>th</sup> August, 2012*  
*Laid in Rajya Sabha on 14<sup>th</sup> August, 2012*



**LOK SABHA SECRETARIAT  
NEW DELHI**

***JUNE 2012/JYAISTHA, 1934 (Saka)***

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**COMPOSITION OF THE COMMITTEE ON EXTERNAL AFFAIRS**  
**(2010-2011)**

**Sl.No. Name**

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3. Shri Anto Antony
4. Shri Devidhan Besra
5. Shri T.K.S. Elangovan
6. Shri Vishwa Mohan Kumar
7. Shri Pradeep Majhi
8. Shri Pinaki Misra
9. Shri Zafar Ali Naqvi
10. Shri Rajendrasinh Rana (Raju Rana)
11. Shri Rayapati Sambasiva Rao
12. Shri Takam Sanjoy
13. Kunwar Rewati Raman Singh
14. Smt. Supriya Sadanand Sule
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16. Dr. Shashi Tharoor
17. Shri Bhisma Shankar alias Kushal Tiwari
18. Shri Shivkumar Udasi
19. Vacant#
20. Vacant
21. Vacant

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23. Shri H.K. Dua\*
24. Dr. K.P. Ramalingam
25. Dr. Bharatkumar Raut\*
26. Dr. Karan Singh
27. Shri Shivanand Tiwari
28. Shri Tarun Vijay
29. Shri Shreegopal Vyas
30. Vacant\$
31. Vacant@

**SECRETARIAT**

1. Shri U.S. Saxena – Joint Secretary
2. Shri K.D. Muley – Director
3. Dr. Ram Raj Rai – Additional Director
4. Shri D.K. Arora – Committee Officer

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\* Nominated w.e.f. 21.9.2010.

\$ Shri Arjun Kumar Sengupta nominated w.e.f. 21.9.10 and vacancy raised due to his sad demise w.e.f. 26.9.2010

# Dr. Manda Jagannath ceased to be Member of the Committee w.e.f. 04.10.2010 consequent upon his nomination to Committee on Chemicals & Fertilizers

@ Shri Ashwani Kumar ceased to be Member of the Committee consequent upon his appointment of as Minister of State w.e.f. 19.01.2011.

**COMPOSITION OF THE STANDING COMMITTEE ON  
EXTERNAL AFFAIRS (2011-2012)**

**Shri Ananth Kumar - Chairman**

**MEMBERS  
LOK SABHA**

<b>Sl.No</b>	<b>Name</b>
2.	Shri Anandrao Adsul
3.	Shri S. Alagiri
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21.	Vacant

**RAJYA SABHA**

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27.	Dr. K.P. Ramalingam
28.	Dr. Bharatkumar Raut
29.	Dr. Karan Singh \$
30.	Shri Shivanand Tiwari
31.	Shri Tarun Vijay

**SECRETARIAT**

1.	Shri U.S. Saxena	-	Joint Secretary
2.	Shri K. D. Muley	-	Director
3.	Dr. Ram Raj Rai	-	Additional Director
4.	A. Sivanandam	-	Under Secretary

\* Shri K. Chandrasekhar Rao nominated to the Committee on External Affairs w.e.f. 25.11.2011.

\$ Ceased to be the Member of the Committee due to expiry of term of Dr. Karan Singh, Member, Rajya Sabha w.e.f. 27.01.12 and re-nominated to the Committee w.e.f. 02.02.2012.

# Shri Sreegopal Vyas, Member Rajya Sabha ceased to be the Member of the Committee due to expiry of his term w.e.f. 02.04.12 and Smt. Najma Heptulla nominated to the Committee on External Affairs w.e.f. 04.05.2012.

## INTRODUCTION

I, the Chairman, Standing Committee on External Affairs (2011-2012) having been authorized by the Committee to present on their behalf, present this 15<sup>th</sup> Report (15<sup>th</sup> Lok Sabha) on “Problems relating to Overseas Indian Marriages : Scheme for providing Legal/Financial Assistance/ Rehabilitation to Indian Women deserted by their Overseas Indian Spouses”.

2. The Committee selected the subject Problems relating to Overseas Indian Marriages : Scheme for providing Legal/Financial Assistance/ Rehabilitation to Indian Women deserted by their Overseas Indian Spouses” for detailed examination and report during the year 2010-11. The Committee took evidence of the representatives of the Ministry of Overseas Indian Affairs on 30.12.2010 and 21.06.11. The discussion, since, remained inconclusive, the Committee decided to continue with the subject during their next term i.e. 2011-12 for detailed examination and report. The Committee took further evidence of the representatives of the Ministry of Overseas Indian Affairs and National Commission for Women (NCW) on 08.12.2011.

3. The Committee considered and adopted this Report at their sitting held on 19.06.2012. The Minutes of the sittings of the Committee are appended to the Report.

4. The Committee wish to express their thanks to the Ministry of Overseas Indian Affairs and National Commission for Women for placing before them the material and information they wanted in connection with the examination of the subject. They also wish to thank in particular the representatives of the Ministry of Overseas Indian Affairs and National Commission for Women who gave evidence and placed their considered views before the Committee.

**NEW DELHI**  
**19 June, 2012**  
**29 Jyaistha, 1934 (Saka)**

**ANANTH KUMAR,**  
**Chairman,**  
**Standing Committee on External Affairs**

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**REPORT**  
**CHAPTER-I**  
**I N T R O D U C T O R Y**

The Overseas Indians, irrespective of their Status, constitute a very significant chunk of Indian society who have, seemingly tasted economic success and achieved certain social and cultural status globally. The Overseas Indians not only include Indian Citizens who have opted the foreign countries for higher studies and/or work, but also those who are born of Indian parents migrated there. In general, these Indians have not only carried along with them their religion, traditions, culture, languages and food habits etc. but, also the privileges of traditional Indian marriages for the welfare of their future generations i.e. their sons and daughters. It were these Indians settled abroad who set the ball rolling, especially for Indian brides, and started taking Indian brides for their foreign born sons with the hope to rejuvenate the Indian culture and traditions in the way they practiced in their foreign land, and also to avoid infiltration of the foreign brides. It is this luring of Indian brides and bridegrooms by the Overseas Indians that were taken seriously by these communities in India wherein, alliances with Overseas Indians were seen as promises of better future, not for the bride/bridegroom but for her/his entire family.

1.2 However, after few decades most of the NRI marriages became fraught with problems of mismatches not only in persons getting married but also in the change in attitude of the NRI sons and daughters perhaps due to many reasons of change in traditional and cultural values born out of globalization and other economic factors experienced by both the sides.

1.3 In the recent decade, the brides of Overseas Indian marriages have undergone and experienced a lot of problems which ultimately led to the abandonment by the husbands. The abandonment occurs even before she is taken to the foreign country of her husband's residence or while travelling to the foreign country and which is ultimately resulted into coming back within a year, or either sent back or forced to flee etc. The problems generally arise due to incompatibility



of the bride with her groom and also because of inability on the part of family of the bride to meet the demand in cost or kind or also due to pre existing marriage of the groom to another woman i.e. apart from the Indian bride, especially when the groom continues to live with his earlier partner or ultimately due to and unexplainable domestic violence. In such situation, knowledge of true information regarding spouse's job, immigration status, earning, property, marital status etc, never disclosed to the bride or her parents. In most of the cases, cheating husband obtains divorce-often-ex-parte, in the foreign country behind the back and the information reaches to the wife or her relatives too late and by that time, she has already been exploited by her husband bodily and mentally.

1.4 Such non-committal marriages with overseas Indian bridegrooms, have not only awakened the Indian parents and public in general, but have become an important matter of concern for the Indian Government. If the data shows any indication, then these marriages have led to abandonment of thousands of brides in various States, particularly Punjab. The ground situation is very disturbing. Not only the girls belonging to rural or semi-urban areas or the girls who are less qualified or totally uneducated are being cheated by their overseas husbands but the urbanite and educated girls also fall as prey of such sharks. It has increasingly been felt by the Indian society that it is not only essential to protect the affected brides from such fraud, but it is also important to educate them about their rights and responsibilities highlighting the availability of precautionary measures and other social defence mechanisms so that, they can protect themselves and save their dignity in the hour of crisis.

1.5 Taking into account the increase in number of fraudulent/sham NRI marriages that has been affecting the Indian brides at large, the Committee have taken up the subject '*Problems relating to Overseas Indian Marriages :Scheme for providing Legal/financial Assistance/Rehabilitation to Indian Women deserted by their Overseas Indian Spouses*' for detailed examination. During the course of the examination of the subject, the Committee heard the views of the representatives of the Ministry of Overseas Indian Affairs and the National Commission for Women which is the nodal agency of this subject. The issues involved in such fraudulent marriages have been discussed in the succeeding paragraphs.

## **CHAPTER-II**

### **Common Issues/Problems relating to Overseas Indian Marriages**

The incidents of failed and fraudulent marriages of Indian Women with NRIs are increasing day by day. The problems in Overseas Indian marriages are complex in nature as these often fall within the purview of Private International Law and the laws of the foreign land. The problems faced by Indian women include desertion and ex-parte divorce and have been articulated in several forums including the media. The common issues/problems relating to Overseas Indian/NRI marriages being faced by Indian Women include -

- (i) Abandonment of the wife for various reasons
- (ii) Domestic Violence
- (iii) NRI husband already married
- (iv) Continued demands for dowry, pre and post marriage
- (v) Lenient legal system abroad in respect of grounds for divorce etc.

#### **2.2 Abandonment of the wife for various reasons**

There are large numbers of cases reported in various communities wherein Indian women married to the NRI husbands are abandoned in India shortly after their marriage. After a short honeymoon in India, the husband goes back to his foreign country promising to send her travel documents/visa etc., but that never happens. In many cases the woman would already get pregnant when he leaves and so both wife and the child (born later) are abandoned. The husband never calls or writes and never returns to his wife (and child). The in-laws who would still be in India would either plead helplessness or flatly refuse to help the innocent girl.

It is not always easy to the wife or her parents to arrange the travel documents, visa etc. to go to the country of husband due to poverty or lack of knowledge about procedure to visit a foreign country. In some cases even if the woman somehow manages and reaches the foreign country of her husband's residence and waits helplessly at the international airport there only to find that neither her husband nor anyone else has come to meet her, thus leaving her at the

mercy of total strangers in a foreign land. At that particular time of crisis neither she can speak either English or language of that country nor her family members are there with her. This can be quite a scary experience for any innocent naïve simple woman travelling abroad for the first time. The woman is 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.

### **2.3 Domestic Violence**

The woman goes to her husband's home in the foreign country only to face domestic violence both mentally and physically, malnourished, confined and ill-treated by her husband in several ways. She is, therefore, either forced to flee or is forcibly sent back. She may not be allowed to take her children with her in most cases. In many cases, the children are forcibly taken away from the woman.

### **2.4 NRI husband already married**

The woman learns on reaching the country of her NRI husband's residence that he is already married in that country and continues to live with his first wife. He may have entered into this 2<sup>nd</sup> marriage due to pressure from his parents and to please them or sometimes even to use her as domestic help or to extract from the bride's side.

### **2.5 Continued demands for dowry, pre and post marriage**

The woman and may be her parents as well, are held to ransom for payment of huge dowry, in cash or kind or both before and after marriage, thus making her life miserable and her stay risky in her husband's country of residence making her dependent and continued submission to dowry demands failing which subjected to atrocities, harassment etc.

### **2.6 Lenient legal system abroad for grounds for divorce etc.**

- 1) The NRI husband takes advantage of the more lenient divorce grounds in other legal systems and obtains ex-parte decree of divorce in foreign country through fraudulent representations and/ or without her knowledge, after she is sent back or forced to go back to India or even while she is still there.

- 2) The woman is denied maintenance in India on the pretext that the marriage had been dissolved by the court in another country.
- 3) The woman approaches the court either in India or in the foreign country for maintenance or divorce but repeatedly encounters technical legal obstacles related to jurisdiction of courts, service of notices or orders, or enforcement of orders or learns of the husband commencing simultaneous retaliatory legal proceedings in the foreign country.
- 4) The woman seeks to use criminal law to punish her husband and in-laws for dowry demands and/ or matrimonial cruelty only to find to her dismay that the trial cannot proceed as the husband will not come to India and appear at the trial or respond in any way to summons or even warrant of arrest.
- 5) The woman is coaxed into traveling to the foreign country of the man's residence and getting married in that country, only to later discover that Indian courts have very limited jurisdiction in such cases.
- 6) The woman has to fight nasty legal battles for custody of her children and for child support and to bring them back with her after she is divorced or forced to leave, sometimes even facing charges of illegally abducting her own children.

**2.7 NRI marriages involve the union of a non-resident Indian man who was born outside India or has migrated to another country and a resident Indian woman. But, in search of better resources for better life of their daughters, the families overlook the potential dangers posed by this type of impulsive match-making which often results into a variety of grim consequences. These women are abandoned in a foreign country with absolutely no support of sustenance, mean of returning home and often without even legal permission to stay on. Others find themselves a victim of ex-parte divorce from a court abroad without their consent. Some wives are brutally battered, abused, malnourished, confined and forced to flee or forcibly sent back to India. There are also NRI marriage stories of children being abducted or forcibly taken away from their mothers.**

The Committee note with a grave concern that the problem of fraudulent/sham marriages have increased manifold and the problem faced by Indian women engulfed in such non-committal marriages with Overseas Indian bridegrooms have not only awakened the Indian parents and public in general, but have sensitized the Indian Government also. The Committee find that in the name of complexity of the matter and involvement of international protocol and jurisdiction issues and role of State Governments, the Ministries/organization of the Central Government have not paid the desired attention to develop a system to support the abandoned women. The Committee feel that providing legal, financial and other required assistance to the victims and the sensitization of various authorities in foreign land as well as local authorities including concerned Ministries/Departments, Embassies and State Governments particularly the police are very vital in such situation. Considering the sensitivity of the issue, the Committee desire that concerted efforts from all concerned quarters of the Government of India should be made to address the issues relating to NRI marriages.

(Recommendation No. 1 )

## CHAPTER-III

### Ministries/organizations concerned with NRI marriages

Various agencies viz. Ministry of Overseas Indian Affairs, Ministry of External Affairs, Ministry of Women and Child Development, National Commission for Women, National Human Rights Commission and State Governments are dealing with the issue of problematic NRI marriages.

#### A. Role of Ministries and Coordination between them

3.2 The Ministry of Overseas Indian Affairs is the nodal Ministry for all mater relating to overseas Indians. However, based on the recommendations of the Parliamentary Committee on Empowerment of Women, the National Commission for Women (NCW) was nominated as the coordinating agency at the national level to receive and process all the complaints related to Indian women deserted by their Overseas Indian husbands. Accordingly, a separate Cell called 'NRI Cell; of NCW was formally inaugurated on 24<sup>th</sup> September 2009 and is engaged in assisting unfortunate victims by taking their cases with foreign missions abroad and other concerned agencies. Interaction is also maintained with the Ministry of Overseas Indian Affairs, Ministry of External Affairs, Ministry of Law and Justice, Ministry of Home Affairs and also the State Governments to look out the procedural problems faced by NCW in giving timely relief to the victims.

3.3 The complaints received in the Ministry of Overseas Indian Affairs are forwarded to the NCW as the coordinating agency for taking action and also to the Indian Missions/Posts abroad, State Governments (Police authorities) or other Ministries for an appropriate remedial action on their part.

3.4 On being asked about the specific role being played by concerned Ministries of the Government of India in handling the issues relating to NRI marriages, the Ministry of Overseas Indian Affairs in a written reply stated as under:-

*“The approach of the Ministry in addressing these issues has been to create awareness amongst prospective brides and their families on the precautions to be taken before entering into marriages with overseas Indians. Accordingly, the Ministry has taken various proactive measures to address these issues with relevant stakeholders and state Governments. Ministry of*

*Overseas Indian Affairs has issued guidelines and launched awareness cum publicity campaign through print and electronic media. The Ministry has published guidance booklet on Marriage to Overseas Indians, distributed multi-lingual pamphlets, conducted seminars, telecast scrolls on TV, audio-visual spots on TV etc. In addition the Ministry extends financial /legal assistance to Indian women who are deserted/divorced by their NRI husbands, through credible NGOs empanelled with the Indian Missions/Posts abroad in countries where there are large number of cases of desertion/divorce by NRI husbands.*

*The National Commission for Women (NCW) was nominated by the Government of India as the coordinating agency at the national level for dealing with issues pertaining to NRI marriages. The NRI Cell of NCW helps in facilitating effective action on the complaints of such women victims by coordinating with the relevant agencies and spreading awareness on the subject of marriage to NRI men and precautions to be taken to avoid such adverse post marriage situations. The NCW has published a report “Nowhere Brides”, networking with foreign NGOs to give better support system to the deserted women and also coordinates with the Indian Embassies, High Commissions and Consulates abroad for obtaining/providing relief to the deserted women.*

*The State Governments and other stakeholders also play pivotal roles in addressing the issues by way of awareness campaign, issuing guidelines etc.”*

3.5 Elaborating further on the type of inter-Ministerial coordination mechanism that exists amongst all the concerned Ministries/Departments and State Governments involved in resolving such issues and the efforts being made to make the system more efficient, the Ministry of Overseas Indian Affairs stated in a written reply as under:-

*“One of the recommendations of the Parliamentary Committee on Empowerment of Women (EWC) (14<sup>th</sup> Lok Sabha) on the subject “ Plight of Indian Women deserted by NRI husbands” was to evolve a well defined /coordinated mechanism to deal with the issue of problematic NRI marriages to enable the aggrieved women to get a respectable solution to the problem. This recommendation of the EWC was deliberated at an Inter Ministerial meeting comprising representatives from Ministries of Overseas Indian Affairs, External Affairs, Home Affairs, Law and Justice, Women and Child Development, National Commission for Women (NCW) and National Human Rights Commission (NHRC) on 7<sup>th</sup> July, 2008. As decided in the meeting, NCW was nominated by this Ministry on 28<sup>th</sup> April, 2009 as the coordinating agency at the national level to receive and process all the complaints related to Indian women deserted by their overseas Indian husbands. Chief Secretaries of all State*

*Administrators of all Union Territories and Heads of Indian Missions /Posts abroad have been advised of this decision and requested to take further action accordingly.*

*The NCW launched an NRI Cell on 27<sup>th</sup> August, 2009 to deal with problems of Indian women deserted by their NRI husbands. They render all possible assistance to victims of NRI marriages. NCW looks into complaints and takes suo-moto action on any issue brought to the notice of the NRI Cell in accordance with Section 10 (1) (f) of the National Commission for Women Act, 1990 read with Sub-Section 4 of Section 10 and Section 8 of the Act.*

*Ministry of Overseas Indian Affairs also forwards complaints on the subject received in the Ministry to State Governments /NCW and other Ministries for appropriate action. The Ministries/Departments co-operate in taking necessary and timely action within the ambit of their powers.”*

**3.6 While going into the details of the agencies dealing with the issue of NRI marriages, the Committee find that various Ministries of the Government of India like Overseas Indian Affairs, External Affairs, Women and Child Development and Home Affairs and also the National Commission for Women, the Human Rights Commission, State Governments, State Commissions for Women are also concerned with the issue of providing timely relief to the victims of such marriages. The Committee are, however, constrained to note that in absence of any defined coordination mechanism amongst the various agencies, no satisfactory results have come out so far. It is more disturbing to observe that MOIA being the nodal Ministry for all matters relating to Overseas Indians and the National Commission for Women (NCW) being the nominated coordinating agency at the national level to receive and process all the complaints related to Indian Women deserted by overseas Indian husbands, are working independently for the same cause without the desired coordination with each other. No doubt, they are creating awareness but using**



separate methods and materials MOIA extends financial and legal assistance through Missions/Posts abroad in the countries where there are large number of cases of desertion/divorce by NRI husbands, whereas NRI Cell of NCW helps in facilitating action on the complaints of such woman victims by coordinating with the relevant agencies. MOIA also forwards the complaints received in the Ministry in this regard to the State Governments/NCW and other Ministries for appropriate action. The Committee does not approve this state of confusion where the victims of such marriages have to approach different agencies for different kind of assistance. The aggrieved women need immediate and respectable solution to their problems. The Committee, therefore, recommends that Ministry of Overseas Indian Affairs, Ministry of External Affairs and NCW in coordination with other agencies should develop an effective mechanism to provide a single window timely solution to the problems of affected women. The Committee further desire that an inter-ministerial Coordination Committee should be set up for better monitoring of the welfare measures being undertaken in this regard. The Committee also desire that Ministry of External Affairs should issue a well-framed practice directions or protocol in conjunction with MOIA and Ministry of Women and Child Development directing the embassies and foreign missions to provide meaningful consular assistance to such unfortunate abandoned NRI brides.

(Recommendation No. 2)

**3.7 The issue of multiple marriages is also a major area of concern for all. Several cases of contracting multiple marriages have come to the notice of the Committee. This all happens due to non-availability of information about such erring husbands or habitual NRI offenders who contract multiple marriages. The Committee, therefore, desire that to prevent such incidents, the Ministry of Overseas Indian Affairs in conjunction with respective State Governments should maintain separate effective link on the website of the Ministry containing all the pamphlets relating to NRI marriages and other relevant information along with the details of such erring NRI husbands and habitual NRI offenders who enter into multiple marriages. The Committee are confident that availability of such information on website will certainly act as a major deterrent and more importantly a source of information/caution to general members of public to prevent them from marrying a dishonest NRI groom, who is already a guilty of escaping from the clutches of law after contracting multiple marriages on the Indian soil. The Committee also want that for the benefit of the people of all regions of the country whole information should be available in all major regional languages in one link.**

**(Recommendation No.3)**

**B. Role of National Commission for Women (NCW)**

**3.8 The National Commission for Woman has been nominated as the coordinating agency at the national level for dealing with issues pertaining NRI marriages by Government of India vide Ministry of Overseas Indian Affairs order**

dated 28<sup>th</sup> April, 2009, based on the recommendation of the Parliamentary Committee on Empowerment of Woman (14<sup>th</sup> Lok Sabha) on the subject “Plight of Indian Woman deserted by NRI husbands” which was discussed and deliberated upon by the Inter-Ministerial Committee meeting held on 7<sup>th</sup> July, 2008.

3.9 In furtherance of this, the NRI Cell was formally inaugurated on the 24<sup>th</sup> of September, 2009, NRI Cell deals with complaints received from within the country and abroad resulting from cross country marriages wherein there is any deprivation of woman’s rights or any issue involving injustice to women.

3.10 When asked about the function and responsibilities and staff strength of NRI Cell in National Commission for Women. NCW submitted following details in a written reply:-

“Major functions and responsibilities of the NRI Cell of NCW are as follows:

- a. NRI Cell is the coordinating agency to receive and process all the complaints related to Indian women deserted by their NRI/Overseas husbands.
- b. NRI Cell renders all possible assistance to the complaints including conciliation, mediation between the parties and advising the complainant on related issues.
- c. Associating, networking with NGO’s community organizations in India and abroad and State Women Commissions for wider areas coverage, so as to facilitate easy reach and provide support services.
- d. NRI Cell Endeavour towards a coordinated response amongst various Government agencies/organizations such as State Governments, the National Human Rights Commission, Indian Embassies and Mission, concerned Ministries etc.
- e. Providing assistance to the aggrieved woman in litigation and other issues pertaining to the complainant/case.
- f. Maintain a data bank of cases registered with NCW.
- g. Seek reports from the State Government and other authorities on the complaints filed and action taken thereon.
- h. To give advice and recommendations to the Government on any policy or issue relating to the NRI marriages.
- i. To analyze various legal treaties on the issue and advise the Government on the subject, wherever required.
- j. To carry out awareness campaigns for the masses on the issue. For this, all the available media services be utilized by the Cell.
- k. To encourage/support research and study in the related field like issues of grievances associated with dual citizenship, enactment of new

legislation or signing of international treaties, marriages laws of other countries etc.

- l. To look into complaints and take suo-moto notice on any issue brought to the notice of the NRI Cell in accordance with Section 10 (i) (f) of the National Commission for Women Act, 1990 read with sub-section 4 of Section 10 and Section 8 of the Act.
- m. Perform any other function as assigned to it by the Commission/Central Government.”

3.11 When specifically asked about the budget allocated and spent by NCW for providing assistance for creation of the NRI Cell, NCW stated as under:-

*“There is not specific budget allocated for the NRI Cell. The Cell consists of staff drawn from the total strength of NCW who do NRI Cell work. There is no scheme of NCW for providing financial assistance to victims of such marriages.”*

3.12 When asked about the nature of assistance provided so far by the NCW to the affected Indian women, NCW submitted in a written reply as under:-

“Depending upon nature of the complaints received, assistance through following actions are provided so far by the NCW to the affected Indian women:

- i) If cognizance of the complaint is taken, notice is issued to the opposite party/parties calling upon, to furnish their reply on the complaint received by the Commission or summons shall be issued to the opposite party/parties to appear and answer the claim before the Commission on the day to be therein specified.
- ii) Letter is written to the concerned police station for Action Taken Reports, where any matter is pending investigation or there has been any failure on their part to take appropriate action with regard to the complaint registered.
- iii) If the complaint is required to be forwarded to Indian Embassy abroad, it is so done.
- iv) The Ministry of Overseas Indian Affairs, Ministry of External Affairs, Ministry of Home Affairs and the Ministry of Law and Justice may be duly written to, for service of summons, warrants issued or any orders passed, by the appropriate Court of Law and for other relevant matters, whenever and wherever required under intimation to the complainant.
- v) The MOIA or Indian Embassies abroad may be written for providing legal and financial aid to victim as per scheme of MOIA.
- vi) The Passport Authority may be written for any matter relating to passports.
- vii) If necessary complaints can be forwarded to the employers of the respondent husband to take necessary action against him.”

3.13 When asked about the type of support/cooperation expected by NCW and actually getting from all the related wings of Government of India, NCW submitted following written reply:-

“NRI Cell of NCW if required to forward the complaint to:

1. The Ministry of External Affairs, Ministry of Home Affairs and the Ministry of Law and Justice for service of summons, warrants issued or any orders passed, by the appropriate Court of Law and for other relevant matters, whenever and wherever required under intimation to the complainant.
2. The MOIA or Indian Embassies abroad may be written to for providing legal and financial aid to victim as per scheme of MOIA.
3. The Passport Authority may be written to for any matter relating to passports.
4. Letters are written to the concerned police station for Action Taken Reports, where any matter is pending investigation or there has been any failure on their part to take appropriate action with regard to the complaint registered.”

3.14 About the difficulties being faced by NCW in coordinating with other Ministries, NCW stated as under:-

“NCW largely adopts a convergence approach among different Ministries and efforts are made getting on providing assistance while taking up mater for the victims.”

3.15 Furnishing the details of cases registered by the Cell so far, the NCW furnished the following details:-

**State-wise data**

<b>State</b>	<b>Total No. of Complaints</b>
Delhi	78
Uttar Pradesh	44
Haryana	41
Punjab	31
Maharashtra	31
Gujarat	28
Andhra Pradesh	36
Karnataka	13
West Bengal	13
Tamil Nadu	14
Rajasthan	11
Madhya Pradesh	12
Uttarakhand	08

Kerala	05
Bihar	05
Himachal Pradesh	04
Goa	04
Assam	04
Jharkhand	02
Chattisgarh	02
Tripura	01
Arunachal Pradesh	01
J&K	01
Orissa	03
Cases registered twice or more	12
Others	76
Total	480

**Country-wise data**

<b>Country Name</b>	<b>Total No. of complaint</b>
India	480
USA	19
Australia	12
U.K.	10
Thailand	06
UAE	10
Singapore	04
Canada	04
Nepal	03
Italy	02
Germany	02
Brazil	01
Kuwait	01
Tanzania	01
Pakistan	01
Norway	01
Mauritius	01
Malaysia	01
Nigeria	01
Saudi Arabia	02
China	01
Others*	31
Total	594

**Year wise Data**

**Data from September 2009 till 31 March 2011**

S.No.	Year	No. of cases
1	2009 September-December	148
2	2010 January-December	367
3	2011 January-March	79
Total		594

Total No. of Complaints of NRI Cell - 594

3.16 In response to the query about the number of cases resolved so far and the number of cases closed by the Cell, it was informed that in the NCW 30 cases stand closed as on date.

3.17 The most primary and easily accessible information provider to any distress women in foreign country is website of the Ministry/NCW. However the website of NCW, is short of such information. The link “List address of advocates/NGOs in foreign countries – shows –“Will be updated very soon”. Similarly, the link for address of advocates/NGOs in India indicates only one advocate that too in Delhi. This status on these links is for quite some time. Justifying the time to be taken to update the website of NCW, the Ministry in a post evidence written reply stated as under:-

*“With regard to the list of NGOs abroad, the NCW has provided a link to the MOIA’s website where the list of foreign NGOs empanelled with the Indian Missions/Posts is displayed. With regard to the link for address of advocates/NGOs in India and the time to be taken to update the website of NCW, the NCW’s reply is reproduced below:*

*“Similarly, the link for address of advocates/NGOs in India indicates- only 1 advocate that too in Delhi shows the status of the website at the time of creation of NRI Cell. The name of the advocate has since been removed and it has been decided to display only the names of NGOs empanelled under the Scheme of MOIA for providing legal/financial assistance/rehabilitation to Indian women deserted by overseas Indian spouses on the website of NCW”.*

**3.18 The Committee observe that National Commission for Women (NCW) has been nominated as the Coordinating agency at the national level to receive and process all the complaints related to Indian women deserted by their Overseas Indian husbands. Accordingly, a 'NRI Cell' was launched in NCW to render assistance to victims of NRI marriages and it has been assigned almost all the responsibilities starting from lodging of complaints to providing all possible legal and financial assistance, networking with national and international NGOs, coordination with all concerned Ministries/State Governments, analysis of legal treaties and give advice to the Government, encouragement/support for enactment of new legislation, management of laws of other countries etc. The Committee are, however, anguished to note that there is no separate demarcated staff for the NRI Cell and no specific budget has been allocated for this Cell. Without any fund, this Cell is not in a position to provide any financial assistance to victims of such marriages. The Committee deplored casual approach of the NCW in handling such sensitive and important issue where in the name of disposal, only 30 cases stand closed since inception, against 813 received complaints. On the ground, NCW is giving the support to the victims simply by following up the cases by sending correspondence to the concerned agencies and follow up with reminders. As a matter of fact, the victims are not getting any support in the matter due to poor response from Missions/Posts or State Governments on the cases forwarded to them. The Committee,**



therefore, strongly recommend that Ministry of Women and Child Development should provide sufficient number of separate staff for NRI Cell of NCW along with adequate separate fund allocation from the current year itself to enable the NCW in handling a very important and sensitive responsibility assigned to them relating to abandoned and aggrieved women. The Committee also desire that NCW in consultation with Ministry of Overseas Indian Affairs and other agencies, should hold regular review meetings with an objective to improve the response from Missions/Posts and State Governments so that maximum number of victims get quick and timely response and help from the designated coordinating agency.

(Recommendation No. 4)

3.19 When the girls married to NRIs either with their own high flying wishes or with the wishes of their parents are deserted, they face the trauma of failed marriage as it leads to a lot of economic, social and psychological problems. Economic helplessness and lack of communication with the husband and at the same time non-receipt of money coupled with problems created by in-laws makes her prey for exploitation. In Committee's view, there is an urgent need of rehabilitation of such affected women by giving them some vocational training, if needed, or financial assistance for education, counseling and consultancy. The Committee, therefore, strongly recommend that the National Commission for Women being the coordinating agency in the matter and their involvement in the welfare of women should

incorporate these activities as essential responsibilities of NRI Cell. The Committee also desire that Ministry of Women and Child Development should apportion sufficient fund from the head of welfare of women for this purpose and NCW should be strengthened by providing sufficient number of experts capable to handle these responsibilities. The Committee further desire that the awareness material prepared by the Ministry should contain all the details relating to such facilities available with NCW for the benefit of such unfortunate girls and their parents.

(Recommendation No. 5)

3.20 The Committee, however, have a strong view that if we are actually serious enough to help the people, we have to make sincere efforts to prevent them from being trapped into such net and not after they have had problems. The Committee, also feel that in addition to publication of pamphlets and other material more has to be done by NCW on awareness front. The Committee, therefore, desire that the Ministry of Women and Child Development should sensitize the young generation on these issues by organizing seminars in colleges and high schools, particularly in Girls Schools/Women's Colleges. The Committee expects that administrations of the Universities or high schools would be persuaded through State Governments and Ministry of the Human Resource Development to facilitate such efforts.

(Recommendation No. 6)

### C. Role of Missions/Posts abroad and State Governments

3.21 When asked as to how the MOIA sensitizes the Indian Missions abroad while dealing with such issues particularly by those Missions which are reportedly already overworked/ overloaded with such complaints and other routine work, the MOIA submitted the following written reply:-

*“Most of the Indian Missions/Posts abroad have a Consular Section to cater to the needs of the Indian community, including to women in distress, and they are pro- actively engaged in dealing with such issues. In those places where such cases are in large numbers, the Indian Missions/Posts have on their panel NGOs/Indian Women Organizations/Indian Community Associations to whom such cases are referred for legal help and also for counseling.”*

3.22 When the Committee enquired about the present system of counseling at the Embassies and the initiatives taken to strengthen the present system especially in critical Missions where there is large India Diaspora, MOIA submitted the following written reply:

**(a)** The Officers in charge of Community Relations at Indian Missions abroad keep regular contact with the Indian Community and are accessible when approached for advice in this regard. In different forum of interactions with the community members, the issues concerning the NRI marriages, their pros and cons, are indeed discussed with a view to sensitize the Community. NGOs do play an important role in this regard.

High Commission of India, London has stated that the NGOs on the panel of HCI have been encouraged to come out with a Hand book for Indian women marrying UK nationals. Their website also has relevant information in this respect.

**(b)** In every State, a State Legal Services Authority has been constituted to give effect to the policies and directions of the National Legal Services Authority and to provide free legal services and counseling to persons approaching them.

On its part, MOIA has printed Guidance Booklets and Pamphlets on the care to be taken by parents while selecting an NRI bridegroom for them daughter.

**(c)** NGOs play the vital role of social parenting with their networking space in the society, with the benefit of access and experience in social sector. Credible services of reputed NGOs enlarge their acceptance to victims of fraudulent NRI marriages.”

3.23 Giving details of the steps taken by the State Governments in dealing with such problems/issues, the Ministry of Overseas Indian Affairs furnished following details in a written reply:-

*“The Ministry of Overseas Indian Affairs has drawn the attention of all States/Union Territories to the judgment of the Supreme Court in the case of ‘Smt. Seema Vs. Ashwain Kumar’ and has requested them to make law for compulsory registration of marriages.*

*The State Governments of Punjab, Gujarat, Haryana, Bihar, Uttar Pradesh, Chhattisgarh, NCT of Delhi, Himachal Pradesh, Tamil Nadu, Andhra Pradesh etc. have taken steps in their States for conducting information campaigns, ensuring that FIRs in such marriage disputes/problems are registered without delay, passing on court orders against accused NRI man to Emigration Authorities to prevent such people from leaving Indian against court orders etc.”*

**D. Inter-Ministerial Sub-Committee**

3.24 An inter-ministerial sub-committee was constituted under the Chairmanship of Secretary, Ministry of Overseas Indian Affairs consisting of members from various Ministries to study the problems relating to marriages to Indian women with overseas Indians. The recommendations of the inter-ministerial sub-committee were discussed by the Inter-Ministerial meeting held on 7<sup>th</sup> July, 2008 for adoption.

3.25 On being asked to furnish details of the decisions taken by the inter-Ministerial sub-committee and the initiatives being taken by the concerned Ministries and State/UT authorities, the Ministry in a written reply stated as under:-

(i) *There was agreement over the sub-committee’s recommendation that all marriages solemnized in India should be compulsorily registered and pro-forma for registration of marriages should be uniform in all states and should contain all relevant information that would help in identifying the persons.*

*It was further agreed that the pro-forma for registration of marriages should also have columns, in the case of overseas Indians, for the social security number, passport particulars, ID card / labour card etc. to build a proper identification and tracking system. Introduction of a uniform format would need interaction with the State Governments. Ministry of Law and Justice would prepare an appropriate pro-forma and take it up with the State/UT Governments.*

**Action Taken:** *The matter was referred to the Ministry of Law and Justice on 19<sup>th</sup> August, 2008. As desired by the Department of Legislative Affairs, relevant papers were forwarded to them on 19<sup>th</sup> February, 2009. The decisions were also communicated, on 19<sup>th</sup> August 2008, to the Chief Secretaries of all State Governments/Union Territories by Secretary, Ministry of Overseas Indian Affairs, for implementation. State Governments of Punjab, Gujarat, Haryana, Bihar, Uttar Pradesh, Chhattisgarh, NCT of Delhi, Andhra Pradesh, Tamil Nadu, Himachal Pradesh, Sikkim, Administration of Dadra etc acknowledged the receipt of Inter-Ministerial Committee's decisions for compliance. Further action was conveyed by some States/UTs as follows:*

- (a) *Home Department, Govt. of Tamil Nadu informed that they have taken initiatives to give effect to the implementation of the decisions. The Commissioner of Social Welfare, Chennai issued a circular to all District Social Welfare Officers to give wide publicity in this matter.*
- (b) *Govt. of NCT of Delhi has stated that action was being taken on the recommendations of the Inter Ministerial Committee for implementation. Further the Govt. of NCT of Delhi conveyed that it has forwarded a Draft Bill on the Registration of Marriages to the Ministry of Home Affairs for its' approval.*
- (c) *Govt. of Himachal Pradesh, Home Department circulated the recommendations of Inter Ministerial Committee to DGP and Addl. DGP for compliance and action.*
- (d) *Special Secretary, Govt. of U.P. has been requested to implement the recommendations of the Inter-Ministerial Committee. Also, Registrar General of High Court of Allahabad, U.P., has issued circular letters to all sub-ordinate courts functioning under its supervision for deciding such cases expeditiously and not to unnecessarily adjourn such cases and to decide as far as possible within a period of 6 months from the date they are instituted.*
- (e) *Govt. of Andhra Pradesh [Gen. Admn. (NRI) Department] has issued certain instructions on 15<sup>th</sup> June, 2009 to the Registrar of High Court of A.P in this matter.*
- (f) *Govt. of Chhattisgarh issued notification on 5.12.2008 seeking objection or suggestions from the public for making amendment in the Registration of Marriages Rules.*
- (g) *Administration of Dadra and Nagar Haveli, U.T. requested the officials concerned for strict compliance of the recommendations.*
- (h) *Government of Sikkim, Home Department issued instructions to all District Collectors, SDMs and BDOs for giving vigorous information campaign at all levels in the State.*
- (i) *Government of Gujarat, Health & Family Department informed that they were concerned with compulsory registration of marriages. That Government has been reminded on 13.3.2009 to implement the recommendations of the Committee.*

- (j) *Registrar General, High Court of Jharkhand and High Court of Patna, at their request, were provided with copies of Inter-Ministerial Meeting for taking appropriate action.*
- (k) *Governments of Punjab and Haryana had also acknowledged the receipt of Secretary ( MOIA) 's letter for compliance.*

***The States/UTs from which no response has been received have been reminded again, and those which had initiated action asked to give updates on the action taken.***

*NCW has conveyed that it had constituted an Expert Committee under the NCW Act, 1990, for drafting of amendments to provisions contained in existing legislations/fresh legislation where considered appropriate in respect of NRI/Overseas marriages.*

(ii) *There was agreement over the sub-committee's recommendation that:*

(a) *Litigations related to overseas Indian marriages should be taken up by fast track courts. It was felt that instead of building up a new system for these courts, this should be brought within the scope of the existing family courts.*

*(Action: State /UT Governments, Ministry of Law and Justice, Ministry of Women and Child Development).*

(b) *Efforts may be made to let the family courts clear the pending cases early and a mechanism may be put in place for regular monitoring of such cases.*

*(Action: State /UT Governments, Ministry of Law and Justice, Ministry of Women and Child Development).*

***Action Taken:***

*Ministry of Home Affairs issued circular to all State Governments/Union Territories directing them to ensure that FIRs in such marriage disputes/ problems are registered without any delay. However, Ministry of Women & Child Development stated on 17.3.2009 that they do not see any role in the matter. The State Governments of U.P. and Andhra Pradesh have communicated the recommendations to their judiciary for appropriate action.*

- (iii) *There was agreement over the sub-committee's recommendation that provisions on serving of notices, summons, and enforcement of maintenance orders be made part of the Mutual Legal Assistance Treaties (MLAT) especially with USA, UK, Canada, Australia and New Zealand where problem of desertion of Indian women by overseas Indians is acute. (Action: Ministry of Law and Justice, Ministry of External Affairs, Ministry of Overseas Indian Affairs).*

**Action Taken:** References were made, on 9.9.2008, to both Ministry of Law & Justice and Ministry of External Affairs for follow-up action. Ministry of External Affairs (CPV Division) has informed that it is examining the issue of additions to the Mutual Legal Assistance Treaties (MLAT) in consultation with other divisions of that Ministry handling relations with USA, Canada etc.

- (iv) There was agreement over the sub-committee's recommendation that whenever there is an ongoing litigation in a foreign court, the Indian bride's case should not go unrepresented. MOIA's Scheme to assist Indian women in defending their cases abroad was appreciated. However, it was felt that the amount being sanctioned per case by MOIA i.e. US \$1,000/ was grossly inadequate and should be enhanced substantially. The possibility of creating a flexi -fund may also be explored by pooling of money by Indian Associations. A matching grant from the government could be considered.

(Action: Ministry of Overseas Indian Affairs, Ministry of External Affairs, Indian Missions/Posts abroad).

**Action Taken:** The MOIA's Scheme gives initial, financial/legal assistance to the deserted/divorced Indian woman overseas for documentation and preparatory work for filing the case. She is put in touch with the empanelled NGO which is already dealing with women's issues and has an establishment and a structure of its own. The NGOs then hand over the case to advocates who are ready to work on the case on pro-bono basis. Thus the Indian deserted wife whose case is taken up under the Scheme is assisted in her litigation in a foreign court. The initial amount of assistance of US \$ 1000 was enhanced to US \$ 1500 w.e.f. October 2009. Further increases up to US \$ 3000 per case for developed countries and US \$ 2000 per case for developing countries is under consideration. Apart from this assistance under the MOIA's Scheme, Ministry of Overseas Indian Affairs has established the Indian Community Welfare Fund (ICWF) in all the Indian Missions/Posts abroad. One of the target beneficiaries of this fund is the deserted spouses of Overseas Indians.

- (v) It was agreed that a vigorous information campaign was necessary at all levels using the media and NGOs to educate prospective brides and their families to take possible precautions before entering into marriage alliance with overseas Indians. The information campaign

*launched by MOIA was appreciated and it was decided that the campaign needs to be continued.*

*(Action: Ministry of Overseas Indian Affairs, Ministry of Women and Child Development, National Commission for Women, State/UT Governments).*

**Action Taken:** *The Ministry has launched publicity cum awareness campaign through audio visual advertisement on regional T.V network primarily covering the States of Punjab, Kerala, Andhra Pradesh, Tamil Nadu and Karnataka. The national and many regional channels show one or two minute awareness campaign clippings in-between prime time programmes. The National Commission for Women (NCW)'s publications "Nowhere Brides – A report on NRI Marriages" and "Problems relating to NRI Marriages – Dos and Don'ts" are being widely circulated. The NCW in collaboration with MOIA had organized two regional workshops (at Chandigarh & Trivandrum in 2006) and a national seminar in Delhi in February 2011 to address the problems relating to NRI/Overseas Indians marriages. As the problem is particularly acute in Punjab, NCW in association with Maya Foundation organized a public hearing in Chandigarh on 15.7.2011.*

*The print media is also used to spread awareness as can be seen from the news item that appeared in The Hindu daily of May 9, 2011, captioned **Police guidelines on 'Pravasi' marriages** which is an advisory containing the do's and don'ts for Indian women marrying NRIs/PIOs. Copy of the said news item is at Annexure.*

- (vi) *It was agreed that information brochure may be prepared by experts having knowledge of Private International Law on the working of the relevant Hague Conventions and procedures that is to be followed by the general public regarding serving of notices, summons etc. to parties staying abroad. Thereafter, a campaign may be launched to make the general public as also the concerned officers aware of these provisions. (Action: Ministry of Law and Justice, Ministry of Women and Child Development, National Commission for Women).*

**Action Taken:** *The matter was referred to Department of Legal Affairs, Ministry of Women and Child Development and NCW on 09.09.2008, and reminders have been issued. Feedback is awaited.*



- (vii) *There was agreement over the sub-committee's recommendation that States/Union Territories should pass on information regarding court orders against accused NRIs to Emigration Authorities to prevent such people from leaving India against court orders.*

*(Action: Ministry of Home Affairs, State/UT Governments).*

**Action Taken:** *All Chief Secretaries of State/Union Territories were addressed by MOIA in the matter. The Governments of Punjab, Gujarat, Haryana, Bihar and U.P. have acknowledged the receipt of MOIA's letter for compliance. The Ministry of Home Affairs issued circular in the matter to all State Governments/UTs. The High Court of Andhra Pradesh as also DGP, A.P. issued circulars to all concerned. The Government of NCT of Delhi, Revenue Department also forwarded the recommendations of the Committee to the Departments concerned in their Government for implementation. Similar action taken by the Government of Himachal Pradesh, Home Department.*

- (viii) *It was agreed that appropriate instructions may be issued by the Ministry of Home Affairs to the States/Union Territories to ensure that FIRs in such marriage disputes/problems are registered without any delay.*

*(Action: Ministry of Home Affairs, State/UT Governments).*

**Action Taken:** *All Chief Secretaries of State/Union Territories were addressed by MOIA in the matter. D.O letters have been written to all Chief Secretaries of State /UTs by Secretary (MOIA) on 19th August, 2008. Government of Punjab, Gujarat, Haryana, Bihar and UP have acknowledged the receipt of Secretary (MOIA)'s letter for compliance. MHA issued a circular dated 30.10.2008 to all State Governments /UTs. Govt. of NCT of Delhi, Revenue Department vide their letter dated 25.2.2009 has forwarded the recommendations of the Inter Ministerial Committee to the Departments concerned in their Govt. for implementation letter dated 12.3.2009 from Home Department , Govt. of Tamil Nadu. DGP, Chennai has issued a Circular Memorandum to all SPs in Districts and Commissioner of Police in cities to adhere to these recommendations. Govt. of Sikkim, Home Department, Gangtok has stated that they have issued instructions to the police Department for prompt filing of FIRs regarding dispute relating to marriage of Indian women with Overseas Indians.*

- (ix) *There was agreement over the sub-committee's recommendation that appropriate bilateral agreements may be considered with foreign countries with a view to protect the interests of Indian women victims of overseas Indian marriages.*

*It was suggested that a team of officers from Ministries of External Affairs, Law and Justice, Women and Child Development and Ministry of Overseas Indian Affairs should visit USA, Canada, UK, Australia and New Zealand, the countries where the problem of deserted Indian women is acute to study local regulations, hold discussions on the issue with the concerned local authorities and determine the clauses which could be incorporated in the proposed agreements to assist the affected Indian women.*

**Action Taken:** *MEA (CPV Division) has informed that they have referred the decisions of the Inter Ministerial Committee to the concerned territorial divisions of their Ministry to elicit their views. MEA (CPV Division) has stated vide their U.O dated 30.1.2009 that they are in touch with their Missions in target countries and Ministry of Law and Justice and MHA on the issues of feasibility of entering into bilateral agreements with countries like USA, Canada etc.*

3.26 The inter-ministerial meeting also discussed the following items on the agenda:

*Recommendation made by the Parliamentary Committee on Empowerment of Women to evolve a well defined/coordinated mechanism among all the concerned agencies to deal with the issue of problematic NRI marriages and to enable the aggrieved women to get a respectable solution to the problems - It was decided that the National Commission for Women will, henceforth, be the coordinating agency at the national level to receive and process all the complaints related to deserted Indian women by overseas Indians.*

**Action Taken:** *National Commission for Women (NCW), New Delhi is authorized as a coordinating agency at the national level to receive and process all the complaints related to Indian women deserted by their Overseas Indian husbands (Vide MOIA Letter No. OI-19021/3/2006-SS dated 28.4.2009)''*

3.27 On being enquired in how many cases legal action has so far been taken against those husbands who entered into fraudulent marriages and subsequently deserted their wives, the Ministry furnished the following reply:-

*States/ Union Territories have been requested to give the number of NRIs arrested and prosecuted in their States/Union Territories for fraudulent marriages during the last three years. They have been reminded. On receipt of the details they will be made available.*

*In one of the brochures brought out by the Ministry it has been stated that in a case Dayal vs. Union of India, 2005 it has been stressed that passport of the offending husband can be impounded if the husband does not appear before the Court?*

3.28 In regard to the changes proposed to made in the Passport Act especially impounding of passport of erring husbands abroad, the Ministry of Overseas Indian Affairs in a post-evidence reply stated as under:-

*“The issue was examined by Ministry of External Affairs (MEA) in consultation with Ministry of Overseas Indian Affairs and others. After that the MEA issued the following guidelines to all Passport Issuing Authorities (PIA) with reference to Section 10(3)(h) of the Passport Act:*

- a. Section 10(3) (h) of the Passport Act is an enabling provision and not mandatory one;*
- b. PIA should weigh the merits of the case where NBW under Section 498A of the IPC has been issued and use their discretion to impound /revoke the passport based on the explanation given by the passport holder in response to the Show Cause Notice;*
- c. Impound/revoke the passport of there is a specific order to this effect by the court in India and;*
- d. Advise the passport holder who has been issued warrant or summons to cooperate with the court by presenting himself before it as desired.*

**NB. Section 10(3)(h) of the Passport Act 1967:**

*10. Variation, impounding and revocation of passports and travel documents*

*(3) The passport authority may impound or cause to be impounded or revoke a passport or travel document-*

*(h) if it is brought to the notice of the passport authority that a warrant or summons for the appearance, or a warrant for the arrest, of the holder of the passport or travel document has been issued by a court under any law for the time being in force or if an order prohibiting the departure from India of the holder of the passport or other travel document has been made by any such court and the passport authority is satisfied that a warrant or summons has been so issued or an order has been so made. “*

**3.29** The Committee observe that an Inter-Ministerial Committee was constituted under the Chairmanship of Secretary, MOIA consisting of Members from various Ministries to study the problems relating to marriages of Indian women with Overseas Indians. The recommendations of the Sub-Committee were adopted on 7<sup>th</sup> July, 2008. The Committee also observe that most of the decisions / recommendations of the Inter-Ministerial Committee relating to NRI marriages have actually not been implemented by the concerned Ministries/State Governments/UTs after receiving the communications from the Ministry of Overseas Indian Affairs. The Committee, therefore, urge upon MOIA to take up each recommendation seriously and follow up with the concerned Ministries/Departments and State Governments for an early implementation of the recommendations adopted by the Inter-Ministerial Committee and submit a report to the Committee within three months.

**(Recommendation No.7)**

**3.30** While going into the details of recommendations of the Inter-Ministerial Committee it may be noted that all the State/UT authorities were communicated about the decision that all marriages solemnized in India should be compulsorily registered as per a uniform pro-forma for registration containing information of social security number,

passport particulars, ID Card/ Labour Card etc. to build a proper identification and tracking system. The Committee find that only few States have given response to this decision and very little has been done in this regard. The Committee, therefore, desire that MOIA should take up the matter particularly with the State Governments at the highest level where more number of such cases are reported so that the registration of marriages containing all desired information is implemented at the earliest. If the uniform pro-forma has not been finalized so far, it should be finalized without any further delay in consultation with Ministry of Law and Justice and supplied to those States. The Committee should be informed about the progress in this regard on quarterly basis.

(Recommendation No.8)

3.31 The Committee also note that there was an agreement that litigations in such cases should be taken up by fast track courts within the scope of the existing family courts along with a mechanism for regular monitoring of such cases. In this regard, the Ministry of Home Affairs had issued circulars to ensure that FIRs in such marriage disputes/ problems are registered without any delay. But the Committee find that the State Governments of U.P. and Andhra Pradesh only have forwarded these communications to their judiciary for appropriate action. The Committee, therefore, desire that the Ministry of Overseas Indian Affairs/NCW should ensure an early implementation of this decision in all the States/UTs in conjunction with the Ministry of Law & Justice. The Committee may be informed about the progress and achievements in this regard.

(Recommendation No. 9)

**3.32 The Committee also observe that as agreed, serving of notices, summons and enforcement of maintenance orders are to be made part of the Mutual Legal Assistance Treaties (MLAT) especially with USA, UK, Canada, Australia and New Zealand where the problem of desertion of Indian women by overseas Indians is acute. The issue is still under examination in the CPV Division in the Ministry of External Affairs. It should to be expedited and reported back to this Committee within three months' time.**

**(Recommendation No. 10)**

**3.33 The Inter Ministerial Committee had also decided that information Brochure in this regard may be prepared by experts having knowledge of Private International Law on the working of the relevant Hague Conventions and procedures that is to be followed by the general public regarding serving of notices, summons etc. to the parties staying abroad followed by launching a campaign to make the general public and also the concerned officers aware of these provisions. But the Committee note that no further progress has been made so far in this regard after sending a reference to the Department of Legal Affairs, Ministry of Women and Child Development and NCW. The Committee, therefore, desire that initiatives should be taken by MOIA to expedite the matter along with Coordinating Agency and Committee should be informed about the progress made in this regard.**

**(Recommendation No. 11)**

**3.34 The Inter-Ministerial Committee was also in agreement over the decisions that States/Union Territories should pass on information regarding court orders against accused NRIs to Emigration Authorities to prevent such people from leaving India against court orders. That decision was conveyed to all Chief Secretaries of State/Union Territories and Ministry of Home Affairs. Circulars in the matter were issued to all State Governments/UTs. But, it seems that the decision is not being implemented on ground level. The Ministry of Overseas Indian Affairs should ensure that implementation of this decision starts immediately.**

**(Recommendation No. 12)**

**3.35 The Committee further note that the Inter-Ministerial Committee had agreed that appropriate bilateral agreements will be considered with foreign countries with a view to protect the interests of Indian women victims of overseas Indian marriages. It was suggested that a team of officers from Ministries of External Affairs, Law and Justice, Women and Child Development and Ministry of Overseas Indian Affairs should visit USA, Canada, UK, Australia and New Zealand to hold discussions on the issue with the concerned local authorities and determine the clauses which could be incorporated in the proposed agreements to assist the affected Indian women. The Committee are surprised to note that the feasibility report of bilateral agreement is still pending and no satisfactory progress has been made so far. The views of territorial divisions of the concerned Ministries have also not**

been obtained till date. The Committee, therefore, desire that a matter should be taken at the appropriate diplomatic level for an early finalization of the clauses to be incorporated in the proposed agreement.

(Recommendation No. 13)

3.36 The Committee observe that all the decisions taken by the Central Government on the issues relating to NRI marriages are being conveyed to the State Governments for further action but the response of the State Governments is not very enthusiastic. The victims residing in different parts of a particular State are also not able to follow their cases by visiting the state capital frequently. The Committee, therefore, desire that, the State Governments of the states from where more number of people reside abroad and the problem of desertion is acute, should be asked to appoint/nominate nodal officers at district level for a regular monitoring of such cases and also for the benefit of such victims. The Committee also desire that names, addresses and phone numbers of such nodal officers should be made available on the website of Ministry of Overseas Indian Affairs and the National Commission for Women and also be included in all the printed regional language pamphlets.

(Recommendation No. 14)



**3.37 The Committee are not satisfied with the initiatives taken by the Missions/Posts and Passport Issuing Authorities regarding impounding and revocation of passports of the offending NRI husbands. The Committee feel that a significant help may be provided to the affected women through an effective implementation of the provisions of Section 10 (3) h of the passport Act, 1967. The Committee, therefore, strongly recommend that the Passport Authorities should be asked to play a pro-active role in such matter and use their discretion under this section by taking immediate action to impound/revoke the passport of such erring passport holders if it is brought to their notice that the passport holder who has been issued warrant or summons is not cooperating with the court by presenting himself before it as desired.**

**(Recommendation No.15)**

## CHAPTER-IV

### **Scheme for giving Legal/Financial assistance to Indian women deserted by their Overseas Indian/ foreigner husbands**

In a bid to assist the needy Indian women deserted by their Overseas Indian spouses of facing divorce proceeding in a foreign country, Ministry of Overseas Indian Affairs (MOIA) launched a scheme in February 2007 to provide financial assistance for obtaining legal aid/counseling through Indian Missions abroad. The scheme has been launched in USA, UK, Canada, Australia and Gulf countries.

#### **(i) Basic features of the Scheme**

4.2 The MOIA furnished the following details in a written reply about the concept and objective of scheme:-

*“The objective of the scheme is to provide initial financial assistance, for obtaining counseling and legal services, to needy women in distress who have been deserted by their overseas Indian spouses. The term “Overseas Indian” would include NRIs and foreign citizens of Indian origin. The counseling and legal services would be provided through credible Indian Women’s Organizations/Indian Community Associations and NGOs identified for providing such services and empanelled with the Indian Missions/Posts in the USA, the UK, Canada, Australia, New Zealand and the Gulf. The scheme is a welfare measure to support Indian women in distress, through the mobilization of the local Indian community in the endeavor and with some financial assistance from the Government of India.*

*The Scheme would be available to women who have been deserted by their overseas Indian spouses or are facing divorce proceedings in a foreign country subject to the following conditions:-*

- (i) The woman is an Indian passport holder.*
- (ii) The marriage of the woman has been solemnized in India.*
- (iii) The woman is deserted in India or after reaching abroad within five years of the marriage.*
- (iv) Divorce proceedings are initiated within five years of the marriage by her overseas Indian spouse.*

- (v) *An ex-parte divorce has been obtained by the overseas Indian spouse within 10 years of marriage and a case for maintenance and alimony is to be filed.*
- (vi) *The scheme would not be available to a woman facing criminal charges or having a criminal case decided against her.*
- (vii) *The domicile of the woman seeking relief under the scheme is not relevant for allowing the benefit. The woman may be domiciled in the country of her overseas Indian spouse or in India at the time of making the application.*
- (viii) *Preference may be given to applicants on the basis of financial needs.*
- (ix) *Assistance will be limited to meeting initial cost and incidental charges for documentation and filing of the case by the Indian Women's Organizations/ Indian Community Associations/ NGOs on the woman's behalf.*
- (x) *The assistance will be limited to US \$ 1500 per case and will be released to the Indian Women's Organizations/ Indian Community Associations/ NGOs concerned to enable it to take steps to assist the woman in documentation and preparatory work for filing the case.*
- (xi) *The Indian Women's Organizations/ Indian Community Associations/ NGOs will make efforts to enlist community advocates, preferably women advocates, to extend further legal assistance/appearance in court etc on a pro-bono basis.*

*The scheme has been modified/revised within 3-4 year of the launch taking note of the difficulties/problems conveyed by the Missions/Posts abroad operating the scheme and the suggestions made by the standing Committee on External Affairs. The modified scheme has been circulated to all our missions/posts for implementation and has been posted on the website of the Ministry for general awareness. The following comparative statements show provisions of the earlier and Revised Scheme”-*

4.3 The following table shows comparative details of the provisions of the earlier Scheme and Revised Scheme.

Provisions as in the earlier Scheme	Revised provisions in the present Scheme
<p><b>I Objective:</b> The objective of the scheme is to provide some financial assistance to needy women in distress who have been deserted by their overseas Indian spouses for obtaining counselling and legal services. The term “Overseas Indian” would include NRIs and foreign citizens of Indian origin. The counselling and legal services would be provided through credible Indian Women’s Organizations/ Indian Community Associations/NGOs identified for providing such services and empanelled with the Indian Missions in the USA, the UK, Canada, Australia, New Zealand and the Gulf.</p>	<p><b>I Objective:</b> The objective of the scheme is to provide some financial assistance to needy <b>Indian</b> women in distress who have been deserted by their overseas Indian / <b>foreigner husbands</b> for obtaining counselling and legal services. <b>“Desertion” in the context of eligibility for providing financial assistance under the MOIA’s Scheme would mean the voluntary abandonment of the wife by her husband. Also, if the husband - by his words- compels the wife to leave the matrimonial home or stay away without reasonable cause, he will be guilty of desertion, though the wife has seemingly separated from him. Desertion is frequently coupled with non-support, which is a failure to provide monetary resources for those to whom such an obligation is due.</b></p>
<p>The scheme is a welfare measure to support women of Indian origin in distress, through the mobilization of the local Indian community in the endeavour and with some financial assistance from the Government.</p>	<p>The term “Overseas Indian” would include Non-Resident Indians (NRIs) and Persons of Indian Origin (PIOs). The counselling and legal services would be provided through credible Indian Women’s Organizations/Indian Community Associations/NGOs identified for providing such services and empanelled with the Indian Missions in the USA, UK, Canada, Australia, New Zealand, Malaysia and the Gulf countries. The Scheme is a welfare measure to support Indian women in distress through the mobilization of the local Indian community in the endeavour and with some financial assistance from the Government.</p>
<p><b>II. Scope of and Eligibility for the Scheme:</b> The scheme would be available to the women who have been deserted by their overseas Indian spouses or are facing divorce proceedings in a foreign country subject to the following conditions</p>	<p><b>II. Scope of and Eligibility for the Scheme:</b> The scheme would be available to Indian women who have been deserted by their overseas Indian / foreigner husbands or are facing divorce proceedings in a foreign country, subject to the following conditions:-</p>
<p>(ii) The marriage of the woman has been solemnized in India</p>	<p>(ii) The marriage of the woman has been solemnized in India or overseas with an overseas Indian or a foreigner</p>

<b>(iii) The woman is deserted in India or after reaching abroad within five years of the marriage.</b>	<b>(iii) The woman is deserted in India or overseas within fifteen years of the marriage; or</b>
<b>(iv) Divorce proceedings are initiated within five years of the marriage by her overseas Indian spouse.</b>	<b>(iv) Divorce proceedings are initiated within fifteen years of the marriage by her overseas Indian / foreigner husband; or</b>
<b>(v) An ex-parte divorce has been obtained by the overseas Indian spouse within 10 years of marriage and a case for maintenance and alimony is to be filled.</b>	<b>(v) An ex-parte divorce has been obtained by the overseas Indian / foreigner husband within twenty years of marriage and a case for maintenance and alimony is to be filed by her.</b>
<b>(vi) The scheme would not be available to a woman facing criminal charges or having a criminal case decided against her.</b>	<b>(vi) The scheme would not be available to a woman having a criminal case decided against her, provided that a criminal charge of Parental Child Abduction shall not be a bar if the custody of the child has not yet been adjudicated upon. "Parental Child Abduction" for this purpose will be defined as the unauthorized custody by the mother, without the other parent's agreement and contrary to family law ruling, which largely removes the child from care, access and contact of the other parent and family side and shall be deemed to be Parental Child Abduction. International child abduction occurs when a parent, relative or acquaintance of a child leaves the country with the child or children in violation of a custody decree or visitation order. Another related situation is retention of children when they are supposedly taken on vacation to a foreign country and are not returned." A criminal charge of Parental Child Abduction, in the context of this Scheme, would mean the framing of charge against the mother by the police authorities consequent on lodging FIR or its equivalent.</b>
<b>(vii) The domicile of the woman seeking relief under the scheme is not relevant for allowing the benefit. The woman may be domiciled in the country of her overseas Indian spouse or in India at the time of making the application.</b>	<b>(vii) The domicile of the Indian woman seeking relief under the Scheme is not relevant for allowing the benefit. The woman may be domiciled in the country of her overseas Indian / foreigner husband or in India at the time of making the application.</b>

<p>(ix) Assistance will be limited to meeting initial cost and incidental charges for documentation and filing of the case by the Indian Women’s Organizations/ Indian Community Associations/NGOs on the woman’s behalf.</p>	<p>(ix) Assistance will be provided to meet the legal and other costs, by the Heads of Indian Missions/Posts overseas directly to the applicant’s legal counsel empanelled with the concerned Indian Mission/Post, or through the Indian Community Associations / Women’s organizations / NGOs* acting on the woman’s behalf in an overseas legal institution.</p>
<p>(x) The assistance will be limited to US \$ 1500 per case and will be released to the Indian Women’s Organizations/ Indian Community .Associations/NGOs concerned to enable it to take steps to assist the woman in documentation and preparatory work for filing the case.</p>	<p>(x) The assistance will be limited to US\$ 3000 per case for developed countries and US\$ 2000 per case for developing countries and will be released to the empanelled legal counsel of the applicant or Indian Community Association / Women’s organization / NGO concerned to enable it to take steps to assist the woman in documentation and preparatory work for filing the case.</p>
<p>(xi) The Indian Women’s Organizations/ Indian Community Associations/NGOs will make efforts to enlist community advocates, preferably women advocates, to extend further legal assistance/ appearance in court etc on a pro-bono basis.</p>	<p>(xi) The Indian Women’s Organizations / Indian Community Associations / NGOs will make efforts to enlist community advocates, preferably women advocates, to extend further legal assistance / appearance in court etc on a pro-bono basis</p>

*Note: \*NGOs would also include local NGOs that are empanelled with the Indian Missions/Posts abroad.*

4.4 The Committee observe that under the Scheme for providing legal/financial assistance to Indian women deserted by their Overseas Indian/foreigner husbands, the Ministry of Overseas Indian Affairs provides financial assistance meant for defraying initial costs of documentation and preparatory work for filing the cases by empanelled NGOs who have lawyers on their panel who render such services pro bono (free of charge). During the course of discussion on the scheme, the Committee had observed that there were several provisions which created hurdles in the implementation of scheme

and welfare of victims. The Committee are pleased to note that taking a note of the views expressed by the Committee, the Scheme was revised during the course of examination itself incorporating several important modified provisions. In response to the suggestion of the Committee, the amount of legal/financial assistance has been enhanced from US \$ 1500 to US \$ 3000 per case for developed countries and US \$ 2000 per case for developing countries. Moreover, as per the revised provisions, financial assistance would be provided by the heads of Indian Missions/Posts Overseas directly to the applicant's legal counsel empanelled to work for the concerned Indian Mission/Posts. Thus, now the Head of Missions/Posts has discretionary powers for disbursement of assistance to meet the need of the assistance seeker. The Committee are hopeful that utilization of the fund will now improve after giving the discretionary power to HOMs/HOPs to provide assistance directly to the applicant's legal counsel empanelled with the Indian Mission/Post where there are no empanelled NGOs. The Committee, therefore, strongly recommend that MOIA should appropriately enhance the fund allocation assessing the requirement for that purpose during the current financial year onwards and ensure that through better implementation of the scheme as many needy Indian women get help as possible with available funds under the scheme.

**(Recommendation No. 16)**

4.5 The Committee, however, find that the financial assistance under the scheme is for defraying initial legal expenses of documentation and preparatory work for filing the case by empanelled NGO etc. only. It does not even include lawyers' fees which are supposed to be met by the NGOs who have on their panel that lawyers who render such services pro bono. It is more surprising to note that the rehabilitation of women in distress has still not been made a part of the recently revised scheme of MOIA. In such cases, the deserted women require shelter and other urgent assistance for their sustenance and only then they can think about taking any legal action against the erring husbands. The Committee have a clear view that the temporary assistance being provided to them as emergency measure through Indian Workers Resource Centre and through Indian Community Welfare Fund in the Missions does not serve the purpose of these abandoned women who have to undertake a long legal fight in a foreign country. The Committee, therefore, desire that the provisions for rehabilitation and counseling of such women should also be incorporated under the ambit of the revised scheme under which, the Indian embassies should be empowered to provide crisis assistance and support to such brides in distress outside India through appropriate mechanism. They should also be directed to extend all necessary legal and monetary support and shelter as per their requirement.

(Recommendation No. 17)



(ii) Assistance provided under the Scheme

4.6 When asked about the number of victims those have been helped under this scheme so far, the MOIA furnished the following Missions/Posts-wise details:-

Name of the Missions/Posts	Year	Total number of beneficiaries under the scheme
High Commission of India, Canberra, Australia	2006-07	10
Consulate General of India, Melbourne	2007-08	09
Consulate General of India, Sydney	2010-11	01
Embassy of India, Washington	2007-08	02
Consulate General of India, San Francisco	2007-08	01
	2008-09	02
	2010-11	02
Consulate General of India, New York	2008-09	01
Consulate General of India, Chicago	2010-11	01
High Commission of India, Wellington , New Zealand	2008-09	04
	2009-10	05
	2010-11	03
High Commission of India, London, U.K	2010-11	36
<b>Total No. of beneficiaries</b>		<b>77</b>

4.7 Referring to the comments made by the Mission at San Francisco “one way of widening the coverage of the scheme would be to support the NGO’s that are helping Indian women by providing them with an annual grant on the basis of the number of Indian women assisted in previous year” the Committee sought the

reaction of the Government. In this regard the MOIA in a post evidence reply furnished the following response:-

*“The NGOs deal with a variety of issues relating to women, whereas, the assistance of US \$ 1500 per case is meant only for initiating steps to assist the deserted/divorced Indian woman in documentation and preparatory work for filing a case. This assistance of US \$ 1500 is disbursed by the Indian Mission/Post on a case to case basis to the NGO concerned. As such, to support the NGOs with an annual grant does not appear to be feasible under the MOIA’s Scheme for providing assistance to Indian women deserted/divorced by their overseas Indian spouses.”*

4.8 The following table shows the year-wise details of complaints received in the Ministry of Overseas Indian Affairs (MOIA) and National Commission for Women (NCW), the coordinating agency at the national level to receive such complaints from Indian women pertaining to harassment/desertion by their overseas spouses:

Sr.No.	Year	No. of complaints received in MOIA	No. of complaints received in NCW after formation of NRI Cell in Sep.2009
1	2005	19	
2	2006	65	
3	2007	138	
4	2008	55	
5	2009	56	NRI Cell set up in Sep. 2009 Sep-Dec.2009 148
6	2010	15	Jan-Dec-2010 367
7	2011	31	Jan-Dec-2011 298
	Total	379	813

4.9 The following table shows the allocation made to Indian Missions/Posts, amount utilized and the percentage of utilization since inception of the scheme.

(In Rs. Lakhs)

<b>Year</b>	<b>Allocation made to Indian Missions/Posts</b>	<b>Amount Utilized</b>	<b>Percentage of utilization (%)</b>
2006-07	200.00	4.59	2.16
2007-08	50.00	4.79	9.58
2008-09	56.38	3.11	5.16
2009-10	35.00	3.52	10.57
2010-11	52.46	16.86	32.13
2011-12	50.00*	3.39*	6.78*

\*As on 30.11.2011

4.10 Stating the reason for low utilization, the Ministry submitted that it was due to non-availability of NGOs to whom the funds can be released.

4.11 The Ministry further stated that this problem has been solved in the Revised Scheme by giving discretionary power to HOMs/HOPs to provide assistance directly to the applicant's legal counsel empanelled with the Indian Mission/Post where there are no empanelled NGO's.

4.12 When asked about the fund released to each Mission/Post and the amount actually spent by them on yearly basis since inception of the scheme, the Ministry furnished the following details:-

**Year 2006-07**

<b>Indian Mission</b>	<b>Allocation of fund during 2006-2007 (Rs. in lakhs)</b>	<b>Total No. of beneficiaries with amount disbursed</b>
U.S.A	40	NIL
U.K.	40	NIL
Canada	40	NIL
Australia	40	10 Cases Rs. 4,58,821/-
New Zealand	8	NIL
Dubai (UAE)	8	NIL
Kuwait	8	NIL
Qatar	8	NIL
Bahrain	8	NIL
	Rs. 2.00 Crores	10 Cases Rs. 4,58,821/-

**Year 2007-08**

Indian Mission	Allocation of fund during 2007-2008 ( Rupees in lakhs)	Total No. of beneficiaries with amount disbursed
Embassy of India, Washington U.S.A	15	Embassy of India, Washington – 02 cases Rs. 80,000/- CGI, San Francisco -01 case Rs. 39,890/-
High Commission of India, London U.K.	08	
High Commission of India, Ottawa, Canada	08	
High Commission of India, Canberra, Australia	08	HCI, Canberra- 09 Cases Rs. 3,59,010/-
High Commission of India, Wellington New Zealand	03	NIL
Embassy of India, Abu Dubai (UAE)	02	NIL
Embassy of India, Kuwait	02	NIL
Embassy of India, Doha Qatar	02	NIL
Embassy of India, Bahrain	02	NIL
	Rs. 50.00 lakhs	12 Cases Rs. 4,78,900/-

**Year -2008-09**

Name of Mission/Post	Funds allotted Rupees in Lakhs	Total No. of beneficiaries with amount disbursed
Embassy of India, Washington	4.20	Nil
Consulate General of India, San Francisco	2.50	02 Cases Rs. 86,380/-
Consulate General of India, Chicago	4.20	NIL
Consulate General of India, Houston	4.00	NIL
Consulate General of India, New York	4.20	01 Case 49,030/-
High Commission of India, Canberra (including CGI, Melbourne/ Sydney)	10.08	NIL
High Commission of India, Wellington	8.00	04 Cases

		Rs. 1,75,600/-
Embassy of India, Bahrain	2.00	NIL
High Commission of India, London	6.00	NIL
Consulate General of India, Edinburgh	2.00	NIL
Embassy of India, Doha	4.00	NIL
High Commission of India, Ottawa (including CGI, Toronto/ Vancouver )	5.00	NIL
Total	Rs. 56.38 lakhs	07 Cases Rs. 3,11,010/-

### Year 2009-10

Name of Mission/Post	Funds allotted Rupees in Lakhs	Total No. of beneficiaries with amount disbursed
CGI, Melbourne	4.76	NIL
CGI , Sydney	2.50	NIL
HCI, Wellington, New Zealand	4.00	05 Cases Rs. 3,51,825/-
Embassy of India, Safat, Kuwait	1.42	NIL
Embassy of India, Qatar , Doha	2.00	NIL
Embassy of India, Abu Dhabi, UAE	6.75	NIL
Embassy of India, Bahrain	1.00	NIL
HCI, London, U.K.	3.00	NIL
Embassy of India, Washington, USA	2.36	NIL
CGI, Chicago	2.10	NIL
CGI, Houston	2.10	NIL
CGI, New York	2.36	NIL
CGI, San Francisco	1.25	NIL
Total	35.60 Lakhs	05 Cases Rs. 3,51,825/-

### Year 2010-11

Name of Mission/Post	Funds allotted (in Rupees )	Total No. of beneficiaries with amount disbursed
HCI, Canberra	3,39,825	
CGI , Sydney	5,00,000	01 case Rs. 67,500/-

HCI, Wellington, New Zealand	6,79,650	03 Cases Rs. 2,07,360/-
Embassy of India, Bahrain	2,00,000	NIL
Embassy of India, Doha	2,00,000	NIL
HCI, London, U.K.	20,38,950	36 Cases Rs. 12,17,503/-
Embassy of India, Washington, USA	2,26,550	NIL
CGI, Chicago	7,00,000	01 Case Rs. 56,000/-
CGI, New York	2,36,000	NIL
CGI, San Francisco	1,25,000	02 Cases Rs. 1,37,790/-
<b>Total</b>	<b>Rs. 52,45,975/-</b>	<b>43 Cases Rs. 16,86,153/-</b>

4.13 The following table shows the details of legal and financial assistance rendered by empanelled NGOs etc under MOIA's scheme to Indian women deserted by their overseas Indian spouses:

Sr. No.	Name of the Mission /Post	Name of the NGO	Total Number of cases	Total Amount of assistance rendered
1	Embassy of India, Washington DC	ASHA For Women (Asian Women's Self Help Association)	<u>2007-08</u> 2 <b>Total = 2</b>	<b>Rs. 80,000/-</b>
2	Consulate General of India, San Francisco	Seva Legal Aid  NARIKA  MAITRI	<u>2007-08</u> 1  <u>2008-09</u> 2  <u>2010-11</u> 2 <b>Total =5</b>	Rs.39,890/-  Rs. 92,320/-  Rs. 1,37,790/- <b>Rs. 2,70,000/-</b>
3	Consulate General of India, New York	Sneha Inc	<u>2008-09</u> 1 <b>Total =1</b>	<b>Rs. 49,030/-</b>
4	Consulate General of India, Chicago	Apna Ghar	<u>2010-11</u> 1	<b>Rs. 52,656/-</b>

			<b>Total =1</b>	
5	High Commission of India, Canberra Consulate General of India, Melbourne	Federation of Indian Associations of Victoria Inc,	<b>2006-07</b> <b>10</b> <b>2007-08</b> <b>9</b> <b>Total = 19</b>	Rs.4,58,821/- Rs. 3,59,010/- <b>Rs. 8,17,831/-</b>
6	Consulate General of India, Sydney	United Indian Association Inc; Post Box 575, Strathfield, NSW 2135	<b>2010-11</b> <b>1</b> <b>Total = 1</b>	<b>Rs. 68,175/-</b>
7	High Commission of India , Wellington	Shakti Community Council Inc	<b>2008-09</b> <b>4</b> <b>2009-10</b> <b>5</b> <b>2010-11</b> <b>5</b> <b>2011-12</b> <b>2</b> <b>Total = 16</b>	Rs. 1,75,600/- Rs. 3,51,825/- Rs. 3,44,130/- Rs. 1,36,770/- <b>Rs. 10,08,325/-</b>
8	High Commission of India, London	M/s Good Human Foundation	<b>2010-11</b> <b>26</b> <b>2011-12</b> <b>5</b> <b>Total =31</b>	Rs. 12,17,503/- Rs. 3,39,062/- <b>Rs.15,56,565/-</b>

**Total amount of assistance rendered = ` 39,02,582/-**

4.14 In a reply to the Ministry of Overseas Indian Affairs, the Mission at San Francisco reportedly stated that “It is difficult to empanel NGOs in USA as they do not accept MOIA’s terms and conditions.

4.15 On being asked the criteria for selection of such NGOs/Organizations and terms and conditions on which these NGOs work, the Ministry in a post evidence reply furnished the following details:-

*“The following are the main criteria for selection of NGOs/Organizations for empanelment:*

- i. *that it has been in existence for at least the last three years.*
- ii. *that it has sound financial back ground to be able to pursue the case after GOI assistance is stopped.*
- iii. *that it is known for rendering community service to Indians, especially Indian women.*
- iv. *that it has adequate number of legal professionals to take up and pursue the cases.*
- v. *that it is committed to the welfare of the Indian women.”*

4.16 When asked about Indian Women’s organizations/Indian Community Associations/ NGOs empanelled with the Indian Mission/Posts abroad to provide legal/Financial Assistance to Indian Women deserted by their Overseas Spouses, the Ministry of Overseas Indian Affairs furnished the following details:-

Sl. No	Indian Mission	Indian Women’s Association /NGOs empanelled with the Indian Missions /Posts
1	Embassy of India, Washington DC.,USA	ASHA (Asian Women’s Self –help Association) , Post Box 2084, Rockville, MD 20847-2084
	Consulate General of India, San Francisco,USA	(i) MAIRI, 234 , East Gish Road, Suite 200, San Jose, CA 95112 (ii) NARIKA Post Box NO. 14014, Berkeley, CA 94714 (iii) SevA Legal Aid 37053 Cherry Street # 207 Newark, CA 94560 Email: <a href="mailto:anu@worldwideibs.com">anu@worldwideibs.com</a>
3	Consulate General of India, New York, USA	(i) SAKHI, New York (ii) AWAKE, (Asian Women’s Alliance for Kinship and Equality ) (iii) MANAVI, New Jersey (iv) SEWAA(SERVICE AND EDUCATION FOR WOMEN AGAINST ABUSE ) Philadelphia (v) INTERNATIONAL INSTITUTE OF BUFFALO (vi) Asian Women’s Safety Net (vii) Sneha Inc; Post Box No. 271650, West Hartford, CT-06127



4	Consulate General of India Chicago, USA	APNA GHAR INC (OUR HOME), Chicago
5	Consulate General of India, Houston, USA	Daya Inc., 5890 Point West Dr, Houston TX 77036
6	Embassy of India , Doha, Qatar	Indian Community Benevolent Fund (ICBF) , Doha, Qatar
7	High Commission of India, Canberra, Australia	Federation of Indian Communities of Queensland Inc, (FICQ), Brisbane
8	Consulate General of India, Melbourne	(i) The Indian Welfare & Resources Centre (IWRC), the Welfare wing of Federation of Indian Association of Victoria, Melbourne. (ii) Federation of Indian Associates of Victoria Inc (FIAV), Melbourne
9	Consulate General of India, Sydney, Australia	(i) United Indian Association Inc; Post Box 575, Stratified, NSW 2135
10	High Commission of India, Ottawa , Canada	(i) Indian Canada Association 1301 Preston Drive, Ottawa, ON K1E , 2Z2 (ii) Ottawa Community Immigrant Services Organization , 959 Wellington Street West, Ottawa, ON K1Y 2X5. (iii) National Association of Canadians of Indian Origin, 24 Saint-Paul East, Suite 201. Montreal , QC H2Y 1G3. (iv) AWIC Community & Social Services 3030 Don Mills Road, Peanut Plaza , North York, ON M2J 3C1.
11	Indian Embassy, Bahrain	Migrant Workers Protection Society (MWPS)
12	High Commission of India, Wellington , New Zealand	Shakti Community Council INC, Auckland
13	High Commission of India, London, U.K	Good Human Foundation , 42 Eaton House, 39-40 Upper Grosvenor Street, London W1K2NG, Sangam Association of Asian Women, 260, Burnt Oak Broadway Edgware, Middlesex, HAR, OAP, U.K.

*The empanelled Indian Women's Organizations/ Indian Community Associations /NGOs are engaged in different social activities especially the welfare of women in trouble and in need of help. Their activities differ from country to country depending on the problems prevailing in these countries.*

*The empanelled NGO, AWIC Community and Social Services, Toronto, Canada provides one-to-one counseling sessions to Indian women and their families facing problems like cultural shock and marital problems and to new comer youngsters facing issues such as language barriers , conflicting values and gender issues.*

*The United Indian Associations (UIA), Sydney besides resolving the issue of assaults on Indian students, and taking on other social activities, have held several annual for a to assist women. This Association also acts as a channel of communication between the Australian Indian Community, the Commonwealth and New South Wales Governments and the Indian Government on welfare, social and economic matters.*

*In the Embassy of India, Qatar, assistance groups have been set up which inter-alia provides help/counseling to women in trouble.*

*Seva Legal Aid, an NGO empanelled with the Consulate General of India, San Francisco is helping the immigrant community to understand the pre-requisites to becoming a US citizen. These efforts in educating the Indian community are laudable. They also conduct workshop, offering legal counseling to the Indian-American Community in the Bay Area.”*

4.17 On being asked whether the MOIA finds it feasible to allow disbursement of assistance on case to case basis rather than to fix a certain amount, the MOIA furnished the following comments:-

*“As per the scheme the applications for providing legal aid received by the Missions would be examined by an officer designated by the Head of Mission on case-to-case basis and approved by Head of Mission/Deputy Chief of Mission. Thus the Head of Mission/Deputy Chief of Mission has the discretionary powers for disbursing assistance in such cases within the ambit of scheme. In the revised scheme, the Head of Missions/Posts will provide assistance to meet the legal and other costs directly to the applicants legal counsel empanelled with the concerned Mission/Post.”*

4.18 When enquired about the way, a Mission/Post ensures a proper utilization of the amount released to them, the Ministry furnished the following details:-

Indian Missions/Posts closely monitor the cases referred to empanelled NGOs.. They obtain utilization certificates from the NGOs after necessary relief is granted to the victims under the scheme. The declaration given by the NGO at the time of empanelment facilitates the Ministry/Indian Missions/Posts to take action against the NGO in case of failure to delivers the required services. This may include reporting any offensive/negative behavior or action on their part to the local authorities who have granted them permission to operate as such Organization.

4.19 When asked whether the MOIA agree to the views of NCW that instead of empanelling NGOs there should be full time Counselors in all the critical Missions, the Ministry replied as under:-

*“On an experimental basis, MOIA has appointed one Counselor (Community Affairs) each in the Embassy of India, Washington and in the Embassy of India, Abu Dhabi, UAE. More such appointments could be considered after reviewing the performance of present incumbents.”*

4.20 In response to specific query by the Committee as how the free legal and other counseling are provided to the prospective brides and their parents before marriage both in India and abroad. MOIA submitted the following facts in a written reply:-

*“State Legal Services Authority in the States/UTs offer services without charging any fee if the aggrieved party is a woman belonging to any strata of society.*

*Indian Women’s Organizations/Indian Community Associations and NGOs empanelled with Indian Missions/Posts abroad have, in many places, advocates who work on pro-bono basis. Whenever the prospective brides and their parents approach the Indian Missions/Posts abroad arrangements are made, where possible, to obtain free legal and other counseling before marriage with the help of these empanelled NGOs.”*

4.21 On the role of NGO’s in providing assistance/help in such cases, the Ministry furnished their views as under:-

*“The assistance of US \$ 3000 in developed countries and US \$ 2000 in developing countries per case is released by Indian Missions/Posts abroad to the Indian community organizations/NGO empanelled with them to enable it to take steps to assist the woman in documentation and preparatory work for filing the case.*

*The NGOs empanelled with Indian Missions/Posts abroad have pro-bono lawyers / Advocates who are well versed in local laws and are in a better position to actively help the women victims. These social organizations /NGOs are active in their various spheres of work as they have the necessary authority/experience and expertise to take appropriate and timely action in the matter.”*

4.22 As regards dealing with the cases where there is no such registered NGO exist, the Ministry stated as under:-

*In those places where there is no NGO empanelled with the Indian Missions/Posts, the women victims have access to initial legal/financial*

*assistance from the Indian Community Welfare Fund ( ICWF) where the ICWF Scheme is in operation. The expenditure from the ICWF is under the discretionary powers of the Head of Missions/Posts abroad. Where the ICWF is not in operation the Missions abroad provide assistance under the Consular powers assigned to them by the Ministry of External Affairs in the Consular Manual.*

4.23 On being asked how the Ministry propose to strengthen the common concern with NGOs and other Civil Society organizations to prevent occurrence of such cases, the Ministry in a post evidence reply stated as under:-

*“Meetings were organized by the Consulate General of India in New York in September, 2007 and March, 2009 with the Women’s Associations in which the Ministry’s scheme for providing legal and financial assistance to deserted Indian women were explained in detail. At interactive sessions between the Indian Missions/Posts abroad and the NGOs and other organizations they are sensitized about women’s issues and the awareness that need to be spread.”*

4.24 As regards listing of advocates, the Ministry of Overseas Indian Affairs stated as under:-

*“Under the MOIA’s Scheme there are empanelled NGOs to whom cases of deserted women who approach the Indian Missions/Posts abroad are referred for legal help and also for counseling. The NGOs take the help of lawyers who are willing to work on pro-bono basis. There are no advocates empanelled with the Mission under the Scheme. However, under the revised scheme w.e.f. 30.11.2011, the financial assistance may be given to the empanelled legal counsel of the applicant also”.*

**4.25 The Committee are of the opinion that apart from various efforts being made by Missions/Posts to help the victims of NRI marriages, there is a need to develop a mechanism for quick tracking of concerned NRIs/PIOs in a case of desertion. The Committee, therefore, desire that Missions/Posts should be provided separate funds for location of such persons through agencies available for such purposes. Missions/Posts may also undertake this work involving reputed NGOs and other linguistic civil society**

organizations, which have their branches or official links in other prominent countries. Assistance of these NGOs/Civil societies may also be taken in verifying the antecedents of bridegroom(s) and get their suggestion for any proposed NRI marriage. Their volunteers in the different cities across the globe should also be asked not only to help the victims, but also support in tracing the whereabouts of such grooms. To make this effective, the Ministry and NGOs must have a holistic approach to extend a helping hand to victims of desertion and also to prevent such repetition.

**(Recommendation No. 18)**

**4.26** The Committee feel that defending a matrimonial battle abroad sitting in India is an impossible task. Moreover, issue of visa is also very difficult and time-taking. The Committee, therefore, desire that such foreign missions in India should also be requested to simplify the procedure for quick issuance of visa to deserted women to enable them to contest the proceedings filed by NRI/PIO husband in a foreign land. These Missions may also be requested to introduce a system of cross check, when a NRI/PIO husband wants to cancel sponsorship of his spouse's visa. The Committee have a view that cancellation should not be permitted as long as dependency of the aggrieved woman continues as per Indian law so as to enable her to continue to stay and contest proceedings in the foreign land without being deported and thus deprived of the opportunity to contest the case.

**Simultaneously, efforts should be made for providing extended residence permits or permanent residence status to the abandoned spouses so that they may be able to fight the legal battle.**

**(Recommendation No. 19)**

**4.27 The Committee observe that over the years, the problems of Indian women trapped in fraudulent marriages with overseas Indians are increasingly reported in electronic and print media. Any such abandoned women is isolated in an alien land far away from her home, inevitably facing constraints of language, communication, lack of knowledge of local criminal justice, police and legal system, lack of support network of friends and family to turn to, lack of immediate and readily available monetary support and a place to take shelter in. The Committee, therefore, desire that complaint and counseling desks should be set up in Indian Missions abroad with professional counseling to help the victims especially in countries where there is a higher incidence of such cases. The Committee also desire that such persons should be appointed as Counselors who speak the language of the majority or NRIs/PIOs residing in that particular country. Such Missions may also be directed to prepare a list of NGOs, Linguistic Civil Society Organisations which may provide help/assistance in knowing the credentials of the grooms before marriage or in tracking the NRIs/PIOs in cases of desertion. Such list should be made**

available on the website of MOIA and MEA and also in printed form to the newly wed women arriving in that country

(Recommendation No. 20)

4.28 The Committee are pained to note that since inception of the scheme, despite large number of cases being reported, a very small amount is being allocated by MOIA the Missions/Posts for providing assistance to needy Indian women deserted by their overseas Indian husbands or facing divorce proceedings in a foreign country. Out of this meager allocation, a very small percentage ranging from two per cent to ten percent only is being spent by the Missions/Posts. As a result, since 2006-07, only 82 women have got some financial assistance out of the total 377 complaints received in Missions/Posts abroad till the year 2011. The Committee do not agree with the justification given by the Ministry that a majority of such claims are handled at the level of counseling where advice is given and legal position is explained to the concerned person or they are put in touch with NGOs, Welfare Organizations and Indian Associations working in those areas who then further take on the cases. The Committee treats this approach of Missions/Posts abroad as disappointing conveying the impression of escaping their responsibility by merely referring such victims to other agencies without rendering necessary help. Considering sensitive and emotional nature of cases, the Committee expect that Missions/Posts should adopt a sympathetic

attitude towards the deserted and needy women and they should not treat these cases as part of bureaucratic routine. The Committee express concern at the meager level of utilization of funds allocated for the purpose and desire that Missions/Posts should give every type of required assistance to the women who register complaints with them. The Missions should also keep a regular track and take required follow up action on the complaints received from all the sources under intimation to the Ministry of Overseas Indian Affairs or National Commission for Women from where the case has been forwarded to them. The Committee should also be apprised about the improvement in fund allocation and disbursement for this purpose under the revised Scheme.

(Recommendation No. 21)

(iii) *Awareness Building Programmes*

4.29 Awareness building on the issues relating to women trapped in fraudulent marriages with overseas Indians and also creating awareness on this issue in order to find solutions to mitigate the problems is supposed to be the most important area and work to be done by the Government.

4.30 On being asked to furnish the details of the awareness programmes organized, both in India and abroad since inception of the scheme along with the role being played by various stakeholders, the Ministry of Overseas Indian Affairs in a written reply furnished the following details:-

National Consultation and Work shops:

*A National Consultation on “Marriages to Overseas Indians” was organized by the Ministry in February, 2006 following which the Ministry of Overseas Indian Affairs jointly with the National Commission for Women (NCW), organized two regional workshops in Chandigarh and*



*Thiruvananthapuram in 2006 with the objective of involving the State Commissions for women as well as the women's organizations of the States concerned to spread awareness. Vividh Vikas Samithi, a Delhi based NGO, in collaboration with this Ministry, conducted a one day National Convention on "Indian Mission to help jilted NRI Brides" in New Delhi in April, 2009. The NCW, jointly with the Ministry organized a national seminar on 15<sup>th</sup> February, 2011 on "Issues Relating to NRI Marriages" in New Delhi. Apart from this, the Ministry, during the Pravasi Bhartiya Divas (PBD), organized parallel sessions where issues relating to problems relating to overseas Indian marriages were discussed. NGOs, women's organizations and State Government representatives, besides the overseas Indian delegates, attended these sessions.*

#### Awareness campaign

*The Ministry has brought out information pamphlets in English, Hindi, Punjabi, Malayalam and Telugu to make Indian women aware of their rights and responsibilities and precautions that should be exercised before entering into marital alliance with overseas Indians.*

*The Ministry has brought out a guidance booklet "Marriages to Overseas Indians" in English, Telugu, Hindi, and Punjabi. 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 NGOs that can provide assistance.*

*The Ministry has launched publicity cum awareness campaign through audio visual advertisement on regional T.V network primarily covering the States of Punjab, Kerala, Andhra Pradesh, Tamil Nadu and Karnataka.*

#### Meetings held abroad

*"Meetings were organized by the Consulate General of India in New York in September, 2007 and March, 2009 with the Women's Associations in which the Ministry's scheme for providing legal and financial assistance to deserted Indian women were explained in detail."*

4.31 As regards the wide circulation of the printed material published for this cause, the Ministry stated as under:-

*The pamphlets and booklets printed by the Ministry under the awareness campaign programme were sent to the State Governments where problem cases arising out of marriages with overseas Indians have been reported. The State Governments were requested by the Ministry to distribute the pamphlets through village Panchayats, Anganwadis, Self Help Groups,*

*Post Offices, Banks, Railway Stations, Airports, Hospitals/Dispensaries etc. The State Governments have also been requested to make a vigorous information campaign at all levels using the media and NGOs to educate the prospective brides and their families in taking all possible precautions before entering into marriage alliance with overseas Indian women.*

*Government of Gujarat has reported that they have translated the Guidance Booklet on “Marriage to Overseas Indians” into the Gujarati language and conducted a seminar in October, 2008 and July, 2009 at Ahmedabad for public awareness. The Gujarat Women’s Commission had arranged several seminars where about 10,000 delegates from villages of that State had participated. Government of Punjab, Department of NRI Affairs have reported that they have circulated the booklets on “Marriages to Overseas Indian” (Punjabi version) to Deputy Commissioners in the State and NRI Sabha Punjab.*

*As intimated by NRI Sabha Punjab, these pamphlets and booklets have been distributed (Chief Patron: Chief Minister, Punjab) amongst the public through Central Office as well as District Unit Offices of Sabha and prominent Press Correspondents for publicity. The NRI Sabha gave half an hour live program on FM Radio explaining merits, demerits and precautions to be taken by the young girls and their parents before fixing such marriages. As reported by the NRI Sabha Punjab, people in general have started becoming more aware and conscious and taking precautions in such matters on the lines indicated in the booklets and pamphlets. The Women and Child Development Department of the Government of Haryana has reported that they have circulated the guidance booklets to Haryana Women’s Commission, Director General of Police, all Deputy Commissioners Superintendents of Police, Sub Divisional Magistrates, Programme Officers and Protection Officers in the State for giving wide publicity by organizing awareness programmes.*

4.32 Elucidating the initiative taken by the MOIA in dealing with the menace of ‘honeymoon brides’ the Ministry of Overseas Indian Affairs has stated as under:-

*National Commission for Women (NCW), 4 Deen Dayal Upadhyaya Marg, New Delhi -110 002 has been designated by Ministry of Overseas Indian Affairs as the coordinating agency at the National level to receive and process all the complaints related to Indian women deserted by their overseas Indian husbands. Chief Secretaries of all States, Administrators of all Union Territories and Heads of Indian Missions /Posts abroad have been advised of this decision and requested to take further action accordingly.*

*The NCW, on 27<sup>th</sup> August, 2009 launched an NRI Cell to deal with problems of Indian women deserted by their NRI husbands. They render all possible assistance to victims of NRI marriages. NCW looks in to complaints and takes suo-moto notice on any issue brought to the notice of NRI Cell in accordance with section 10 (1) (f) of the National Commission for Women Act, 1990 read with Sub-Section 4 of Section 10 and Section 8 of the Act.*

*The Government of Tamil Nadu has reported that the Commissioner of Social Welfare, Chennai have issued circulars to all District Social Welfare Officers to give wide publicity in the matter.*

*Similarly the Government of Punjab has issued necessary instructions to all Superintendents of Police for handling such cases and fixed two days in a month ie 2<sup>nd</sup> and 4<sup>th</sup> Wednesday for providing public hearing.*

*An NRI Commissioner has been appointed to look into matters relating to the problems of girls/women deserted by NRIs. NRI Sabha Punjab, at its district Head Quarters at Jalandhar has been set up to look into such complaints. Similarly, the Punjab State Commission for women has been set up. An NRI Cell has been set up at the Police Head Quarters.*

*Governments of Gujarat, Haryana, Bihar, Uttar Pradesh, NCT of Delhi, Himachal Pradesh and Sikkim have acknowledged the request of the Ministry of Overseas Indian Affairs for conducting vigorous publicity campaign at all levels using the media and NGOs to educate prospective brides and their families to take possible precautions before entering into marriage alliance with overseas Indians.”*

4.33 On being asked how the MOIA proposes to sensitize the media in creating awareness regarding such fraudulent marriages, the MOIA in a post evidence reply stated as under:-

*“The Ministry has launched publicity cum awareness campaign through audio visual advertisement on regional T.V network primarily covering the States of Punjab, Kerala, Andhra Pradesh, Tamil Nadu and Karnataka. The national and many regional channels show one or two minute awareness campaign clippings in-between prime time programmes.*

*The print media is also used to spread awareness as can be seen from the news item that appeared in The Hindu daily of May 9, 2011, captioned **Police guidelines on ‘Pravasi’ marriages** which is an advisory containing the do’s and don’ts for Indian women marrying NRIs/PIOs.”*

4.34 During the course of discussion, it was observed by the Committee that the publicity material pamphlet and was not pointed in the languages like Malayalam, Tamil, Marathi and Gujarati pertaining to the States from where maximum number of people go abroad. Similarly, the awareness campaign on TV was also not seen on the local regional languages, channels. During the course of evidence Secretary MOIA accepted the anomalies and submitted.

*“We mentioned that we have an information pamphlet and a booklet. The pamphlet is in Malayalam and the booklet was not in Malayalam. This anomaly will be set right. We will have a booklet in Malayalam. It was mentioned that the booklet was not in Tamil. This will also be set right and the booklet will be in Tamil now.”*

4.35 About the TV campaign in Tamil, Secretary MOIA assured that if it was not adequate, they will redress the adequacy.

4.36 The Committee considered that websites as a very important mean of publicity particularly for the people going outside. The Committee felt that there should be one single website rather than having to many websites where right and complete information could be obtained at one plea. During the course of evidence the Secretary reached as under:-

*“We mentioned that we have an information pamphlet and a booklet. The pamphlet is in Malayalam and the booklet was not in Malayalam. This anomaly will be set right. We will have a booklet in Malayalam. It was mentioned that the booklet was not in Tamil. This will also be set right and the booklet will be in Tamil now.*

*...As far as marriage counseling is concerned, again we consulted the colleague from the Ministry of External Affairs. A very positive aspect has emerged – we are certainly going to consider now. We will discuss this with MEA; we will discuss this with various Heads of Missions and Posts; we all agree that this is a good idea. We will try and consult them and work out an implementable scheme.”*

**4.37 The Committee observe that MOIA has brought out a guidance booklet on ‘marriages to overseas Indians’ which contains information**

of safeguards available to women deserted by their spouses, legal remedies available, authorities that can be approached for redress of grievances. Similarly, a pamphlet entitled 'thinking of the marriage of your daughter with NRIs' has also been brought out by the Ministry highlighting the precautions to be taken before entering into marriage alliance. The Committee find that implementation of safeguards and social measures need to be addressed earnestly. In Committee's view this can be done by creating social awareness, counseling and tackling violations and implementations of safeguards, institutional and other arrangements.

The Committee find that these materials are published mainly in English and Hindi and a few in regional languages. The Committee, therefore, desire that for an effective campaign to educate the people in this regard, awareness material should be published in all the major regional languages like Malayalam, Tamil, Telugu, Marathi, Punjabi, Guajarati etc. pertaining to the States from where more NRIs are settled abroad and this should be widely circulated through the State Governments for better awareness. The Committee also desire that for an effective awareness, the printed materials should be made available at Passport Offices so that when a passport is dispatched or handed over to young women, the pamphlet about marriages to overseas Indians goes along with the new passport. Similarly, these pamphlets should be widely distributed to the migrants at the time of immigration clearance at PoE Offices. Missions should also distribute

these pamphlets invariably to those who report them on arrival after marriage.

(Recommendation No. 22)

4.38 The Committee feel that the more people are made aware of pitfalls of NRI marriages, the more cautious they will be when a stranger comes asking for a daughter's hand in marriage. The Committee, therefore, strongly recommend that to target the larger possible audience, awareness of cultural, social and legal aspects of NRI marriages needs to be publicized via all Media outlets including regional TV Channels and websites. Awareness Programmes should be run principally in rural areas where the most vulnerable brides and their families reside. NGOs and state Government agencies should also be involved to launch an extensive campaign to educate unwary communities about the potential dangers of NRI marriages.

(Recommendation No. 23)

4.39 The Committee observe that NCW are not able to follow up the cases of abandoned NRI brides due to non-availability of information about the erring spouses domiciled abroad. The Committee, therefore, also desire that as a part of consular protection obligation, Foreign Embassies, Missions and Consulates in India should mandatorily furnish all the relevant data to NCW or to aggrieved spouses about erring spouses of NRI marriages who are domiciled in foreign countries. The Committee, therefore, desire that some directives be framed by the Ministry of External Affairs in conjunction with the MOIA

**and Ministry of Women and Child Development to provide meaningful consular assistance to the abandoned NRI brides. The Committee also desire that such foreign missions of the country from where more such cases are reported should create dedicated desks of officers exclusively to provide proper assistance to such spouses in distress.**

**(Recommendation No. 24)**

## CHAPTER-V

### Legal hiccups, international conventions and bilateral treaties

While submitting a detailed note on specific legal problems/difficulties detected by the Government in resolving the problems faced by Indian Women trapped in fraudulent marriages with overseas Indians, the MOIA furnished the following reply:-

MOIA in association with the NCW had organized a seminar on 15<sup>th</sup> February 2011 at Vigyan Bhavan, N.Delhi to consider problems/difficulties faced by Indian women trapped in fraudulent marriages with overseas Indians. The legal problems/difficulties were enumerated as follows:

- (a) Simplification of procedure for quick issuance of visa by foreign Missions in India to deserted women to enable them to contest the proceedings filed by NRI / PIO husband in a foreign land.
- (b) Introduction of a system of cross check / consent, when a NRI/PIO husband wants to cancel sponsorship of his spouse's visa. Cancellation should not be permitted as long as dependency of the aggrieved women continues as per Indian law so as to enable her to continue to stay and contest proceedings in the foreign land without being deported and thus deprived of the opportunity to contest the case.
- (c) Grant of *ex-parte* divorce by foreign courts be barred in the case of marriages solemnized in India as per Indian law.
- (d) Procedural delay/low priority to issue Look Out Certificate (LOC)/ Red Corner Notice (RCN) against accused NRI/PIO husband in cases of marital discord needs to be addressed.
- (e) Cases of domestic discord to be included in the scope of extradition treaties.
- (f) Difficulty and consequent delay in serving judicial processes issued by Indian courts through the Indian Missions abroad to be addressed.
- (g) Simplification of procedure to facilitate extradition/deportation of errant husband and cancellation of passport to face civil/criminal trial in India especially if judicial processes of Indian courts are not responded to.
- (h) Need to develop mechanisms to enable quick tracking of NRIs/PIOs in case of desertion. Funds may also need to be allocated for location of such persons through agencies available for the purposes.
- (i) Recognition of NCW as an authorized body to directly make applications before foreign courts and foreign missions on behalf of aggrieved women where so required.
- (j) Review of MOIA Scheme for providing legal//financial help to the deserted women in foreign lands.
- (j) Role of State Governments in sensitization of police and authorities for registration of FIR & other NRI issues.

The resolution of most of the above issues is complex since they fall within the purview of Private International Law.



5.2 Giving details of the initiatives that have been taken/being taken to overcome such difficulties, the Ministry stated as under:-

*To a large extent the action to be taken lie with our Embassies/High Commissions abroad and the Ministry of External Affairs (MEA) has therefore been asked to provide support in such cases. MEA has responded as follows:*

- (a) MEA has assured that though issuing visa is a sovereign right of the country granting the visa, as and when the problem of a deserted woman seeking visa to visit a country to contest the case arises, the concerned Territorial Division of MEA as well as CPV Division may be contacted for taking up the matter suitably with the concerned Embassy of the country located in India.*
- (b) MEA has assured that for acknowledging the judicial process issued by Indian courts/on the request to locate the address of erring husband in foreign land, NCW will be listed in the list of authorities whose recommendations are to be immediately acted upon by the Indian Missions/Posts.*
- (c) MEA has assured that if a wife is harassed and deserted and is without her passport, if the original passport is valid and is in the custody of erring husband, a new passport will be issued after verifying passport particulars from original passport issuing authority (where she does not have any record or photocopy of her old passport).*
- (d) MEA has assured that if the wife has the photocopy and record of the old passport, a new passport will be issued fairly fast after cancelling the old one in the system. Registration of FIR is not essential in such cases.*
- (e) MEA has assured that if the victim was on the dependent visa and the visa has been cancelled, the matter will have to be taken up with concerned Embassy of the country, and assistance will be provided in such cases to the victims.*
- (f) MEA has assured that if Non Bail-able warrants (NBWs) have been issued, application may be made directly to the Passport Authority for revocation of the passport of the person against whom such NBWs have been issued, since it is a discretionary power of the Passport Office.*

5.3 On being asked whether any examination of relevant international conventions and bilateral treaties has ever been made by MOIA since the scheme has come into force, the Ministry furnished the following reply:-

*India has become party to the Hague Conference on Private International Law (HccH) by submitting the instrument of accession on 13<sup>th</sup> March 2008. India is also a Party to the following Hague Conventions:*

- (i) Convention on Abolishing the Requirement of Legalisation for Foreign Public Documents 1961.*
- (ii) Convention on the Service Abroad of Judicial and Extrajudicial Documents in Civil or Commercial Matters 1965.*
- (iii) Convention on the Taking of Evidence Abroad in Civil or Commercial Matter 1970.*
- (iv) Convention on Protection of Children and Co-operation in Respect of Inter-country Adoption.1993.*

*In addition to the above Conventions, action is also being taken to become a party to the following Conventions:*

- (i) Convention on the Civil Aspects of International Child Abduction 1980.*
- (ii) Convention on the International Recovery of Child Support and Other Forms of Family Maintenance 2007.*

*However, joining of the above two Conventions require necessary implementing legislations. The Ministry of Women and Child Development is preparing the implementing legislations in consultation with Ministry of External Affairs and Ministry of Law and Justice.*

*Although these Conventions are not Marriage or Divorce Specific they facilitate to bridge the two legal systems to which the NRI Husband and wife belong, by providing appropriate civil procedure acceptable to both jurisdictions. The civil litigations involving NRI marriage would, therefore, greatly be benefited in matters relating to service of judicial documents, taking evidence abroad etc. which are vital to all civil cases involving two or more legal systems including the cases relating to Marriages involving two legal systems. For example, being a party to the Convention on Legalisation, it provides for speedy and problem-free attestation and verification of public documents in other foreign countries.*

*The Convention on service abroad of Judicial and extrajudicial 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. This also ensures that the defendants have notice of any foreign court proceedings against them and thereby provide them with an opportunity to defend the case. In relation to NRI marriage, this would ensure that the Indian woman married to an NRI would receive the court notice and defend any marriage related cases*

*filed abroad. The Convention on Taking 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. The Conventions also 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. The impact of joining the Convention on Service Abroad of Judicial and Extrajudicial Documents in Civil or Commercial Matters would help in reducing the problems arising out ex-parte decrees in NRI marriages by ensuring service of notice of any suits to the other party residing in India or in other country.”*

5.4 On being asked whether the Ministry has taken steps to work out MOUs with European Union as also with other countries where Indian Diaspora is large in number viz Australia, Canada, USA for repatriation of groom violating Indian laws after marriage such as ex-parte divorce while living abroad and entering into marriage alliance in these countries, the Ministry in a post evidence reply stated as under:-

*“Such issues are private and family law matters. However, India has already become a party to the Hague Conference on Private International Law. Besides, India has signed the Convention on Abolishing the Requirement of Legislation of Foreign Public Documents 1961, Convention on the Service Abroad of Judicial and Extrajudicial Documents in Civil or Commercial Matters 1965, Convention on the Taking of Evidence Abroad in Civil or Commercial Matter, 1970 and Convention on Protection of Children and Cooperation in Respect of Inter-country Adoption 1993. These conventions were signed in 2008. This basically makes it possible for Indian courts to pass particular directions which can then be conveyed to overseas courts or overseas persons.”*

5.5 Ministry of External Affairs (CPV Division) has been in touch with Indian Missions in the target countries and Ministry of Law and Justice & Home Affairs on the issues of feasibility of entering into bilateral agreements with countries like the USA, Canada, Australia etc and provisions of serving of notices, summons etc

to be made part of Mutual Legal Assistance Treaties (MLATs). On being asked whether the ex-parte divorce taken by NRI from courts abroad are binding in India and whether the Ministry feel the need to bring more stringent legislations in this regard, the MOIA furnished the following reply:-

*“There are many occasions wherein an ex-parte decree is obtained from foreign courts against the other spouse on unreasonable and fraudulent grounds. It has been a persistent question in the context of NRI divorces as to whether such decrees could be enforced in India.*

*Section 13 of the Civil Procedures Code (CPC) lays down the following grounds on which a foreign decree would not be enforced in India:*

- .. If it has not been pronounced by a court of competent jurisdiction*
- .. If it has not been given on the merits of the case.*
- .. If the judgment was based on an incorrect view of international law;*
- .. A refusal to recognize Indian law if such Indian law was applicable to the case;*
- .. Where the judgement was not in accordance with natural justice;*
- .. If the judgement was obtained by fraud;*
- .. If it upholds a claim which is a result of the breach of any law in force in India.”*

5.6 In some quarters it has been felt that matrimonial property arrangement at the time of marriage or after the marriage should be made compulsory and should be registered to help protect the property rights of deserted women. To this, the MOIA furnished the following comments:-

*“The matter has been referred to the Ministry of Law & Justice, Legislative Department in August, 2009 for resolution. They have been reminded in the matter.”*

5.7 Reacting on the need of enacting a new comprehensive legislation vis-à-vis review of relevant portions of IPC, CPC, Extradition Act, Indian Passport Act and such other similar laws in the light of the Scheme, the Ministry of Overseas Indian Affairs stated as under:-

*“There is a need for a comprehensive national legislation vis-à-vis review of relevant portions of IPC, CPC, and Extradition Act etc. However the large number of existing provisions on the subject means that there will be a strong requirement for co-ordination and action involving several Ministries. For instance, it may be noted that Section 494 of the Indian Penal Code prescribes bigamy as an offence and provides for a punishment with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine. The offence of bigamy is an extraditable offence in India. As regards other fraudulent marriages.*

*Section 366 of the Indian Penal Code provides punishment for kidnapping, abducting or inducing women to compel her marriage. Section 493 provides punishment for cohabitation caused by a man deceitfully inducing a belief of lawful marriage. Section 495 provides punishment for concealment of former marriage from person with whom subsequent marriage is contracted. Section 496 provides punishment for marriage ceremony fraudulently gone through without lawful marriage. Section 498 provides punishment for enticing or taking away or detaining with criminal intent a married woman. Section 498-A provides punishment for subjecting a women to cruelty by the husband or relative. The Protection of Women from the Domestic Violence Act, 2005 provides that the breach of protection order, or of an interim protection order, by the respondent shall be an offence and shall be punishable with imprisonment of either description for a term which may extend to one year, or with fine which may extend to twenty thousand rupees, or with both. Under Extradition Act 1962, an offence punishable with one year or more is an extraditable offence provided the same act is also considered as an offence in the other country with which India has an Extradition Treaty or Arrangement.*

5.8 On being asked whether there is any such comprehensive law under consideration of MOIA/Government, the Ministry of Overseas Indian Affairs stated as under:-

*MOIA has been concentrating its efforts in bringing immediate succour to the victims of the fraudulent marriages through modification of existing rules and regulations, in order to maximize the use of available resources.*

5.9 On being asked whether the Missions abroad consider the request of prospective brides/their parents for cross checking of credentials of NRIs (Bridegroom) before entering into marriage alliances?

*“In most countries, the Indian Missions/Posts abroad have no mechanism to verify the antecedents/credentials of NRI bridegrooms. Stringent private*

*laws prevail in foreign countries preventing the Indian Missions from verifying such credentials or personal details of a person living/working there. However in case of KSA , our Mission has informed as below :*

*“No requests for checking the credentials of the NRI bridegrooms have been received in the Consular Wing of the Mission. If such a request is received, the credentials could be checked in cooperation with the local authorities/fellow community members, etc.”*

5.10 On being asked whether the Ministry feel it appropriate to set up separate cell in Indian Missions for attending such problems specially in those countries where such cases occur large in number, the Ministry of Overseas Indian Affairs stated in a written reply as under:-

*“Most of the Indian Missions/Posts abroad have a separate consular section to cater to the needs of the Indian community, including women in distress, and they are pro-actively engaged in dealing with such issues. In those places where such cases are in large numbers, the Indian Missions/Posts have on their panel NGOs/Indian Women’s Organizations/Indian Community Associations to whom such cases are referred for legal help and also for counseling.*

*MOIA has appointed one Counselor (Community Affairs) each in the Embassy of India, Washington and in the Embassy of India, Abu Dhabi, UAE. After reviewing the performance of the present incumbents, appointments of Counselors in other countries would be considered.”*

5.11 On being enquired whether the Ministry propose to provide rehabilitation and support services to the deserted women such as shelter homes, vocational training under the proposed revised schemes, the Ministry in a post evidence reply stated as under:-

*“There is no proposal under the revised Scheme to provide rehabilitation and support services to the deserted women. However, Ministry of Overseas Indian Affairs has established the Indian Community Welfare Fund (ICWF) in all the Indian Missions/Posts abroad. One of the target beneficiaries of this fund is the deserted spouses of overseas Indians. As such, it is not required to redesign the MOIA’s Scheme to include assistance towards stay and other urgent expenditure for deserted Indian women who cannot take care of themselves. Besides, the MOIA is now establishing the Indian Community and Indian Workers Resource Centers. These have presently been established and are running in Malaysia, Dubai, Abu Dhabi, Kuwait*

*and Oman. These are Resource Centers and shelters which are available whenever there is a problem with workers or, say, housemaids or any other women in distress. They are brought into the shelter and the Mission, through the Community Wing of the Mission, makes available these emergency measures till such time that the woman is repatriated back to India. Thus we have taken action to provide for emergency situations that may come up, particularly in cases where there are workers and persons who may not have money to be able to afford these themselves.”*

**5.12 The Committee understands that Marriages to overseas Indians are like any other marriages and may go through the same ups and downs. The Committee, however note that the number of fraudulent marriage cases is increasing and problem is not confined to Punjab and Kerala alone but also a number of cases are being reported from other parts of the country. Nature and dimension of such incidents vary but the central issue is failed or fraudulent NRI marriages, But, the most important difference is that the recourse to justice is constrained by the fact that these marriages are governed not only by the Indian legal system but also by the far more complex private International laws involving the legal system of the other country. The Committee feel an urgent need of a comprehensive law to tackle the problems related to NRI marriages. The Committee, therefore, strongly recommend that the Government should enact a comprehensive legislation and/or suitably amend existing legislation for the protection of women against malicious NRI marriages. A special NRI matrimonial law that deals comprehensively with marriage, divorce, maintenance, child custody and related issues would provide the distressed and abandoned brides with much needed remedial**

armour. Amending current laws and introducing new rules and regulations would help victims of NRI marriages reclaim their fundamental rights to property, equality in marriage, the protection of family, freedom from inhuman or degrading treatment and above all, dignity. The Committee also desire that more reciprocal bilateral treaties, especially with countries with large number of Indians who continue to be not covered for automatic enforcement of foreign decrees under Section 44 and 44A of CPC may be worked out with such countries.

(Recommendation No. 25)

5.13 The Committee strongly believe that registration of a marriage provides a valid evidence/proof of such alliance and can work as a very strong deterrent for bigamous marriages. A few states facing problems of NRI marriages have made the registration of marriages compulsory. The Committee are happy to note that in view of the directions of Hon'ble Supreme Court and recommendations of Committee on Empowerment of Women and Law Commission, the Government of India has introduced 'The Registration of Births and Deaths (Amendment) Bill, 2012' in Rajya Sabha recently. This amendment provides for compulsory registration of marriages without affecting in any manner the State Law making provisions for compulsory registration of marriage in their respective States. The proposed Bill will provide the registration of marriages of all persons



who are citizens of India belonging to various religious denominations and be beneficial to women, as the registration certificate would provide evidentiary value in matrimonial and maintenance cases and prevent unnecessary harassment meted out of them. It will also provide evidentiary value in the matters of age of parties, custody of children and the right of children born out of such marriages. No doubt, the initiatives of Government will supplement the efforts of the State Governments. The Committee, however, desire that certificates of NRI marriages issued by the States or under the proposed Act must include the security number of the foreign home of the NRI husband along with the passport number and brief relevant details. The Committee further desire that to make it more effective, the photocopy of the valid passport of the NRI husband should be pasted in the marriage register maintained with the authorities before marriage certificate is actually issued to the parties and pasting of mandatory certificate of marriage on the wife's passport may certainly provide a documentary evidence and proof of her marriage on being abandoned. This should also be ensured that no NRI marriage is registered without the presence of bride and bridegroom. Ministry of Overseas Indian Affairs should take necessary initiatives to ensure the implementation of these recommendations with the concerned authorities and State Governments as well.

(Recommendation No. 26)

5.14 The Committee note that India has become a party to the Hague Conference on Private International Law and is also a party to other conventions which facilitate to bridge the two legal systems to which the NRI husband and wife belong by providing appropriate civil procedure acceptable to both jurisdictions. MOIA has also strongly recommended that India should become a party to 'Convention on the Civil Aspects of International Child Abduction 1980' and 'Convention on International Recovery of Child Support and other forms of family maintenance 2007'. But joining these two conventions require necessary implementing legislations. The Committee, therefore, strongly recommend that Ministry of Women and Child Development should prepare the implementing legislations on priority basis in consultation with the Ministry of External Affairs and Ministry of Law and Justice so that decks are cleared to become a party to these two Conventions.

(Recommendation No. 27)

**NEW DELHI**  
**19 June, 2012**  

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**29 Jyaistha, 1934 (Saka)**

**ANANTH KUMAR,**  
**Chairman,**  
**Standing Committee on External Affairs**

**MINUTES OF THE SIXTH SITTING OF THE STANDING COMMITTEE  
ON EXTERNAL AFFAIRS (2010-2011) HELD ON 30<sup>TH</sup> DECEMBER, 2010**

The Committee sat from 1100 hours to 1230 hrs. in Committee Room G-074,  
Parliament Library Building , New Delhi.

**Present**

Shri Sreegopal Vyas - in Chair

**Members**

**Lok Sabha**

2. Shri Vishwa Mohan Kumar
3. Shri Pinaki Misra
4. Shri Bhisma Shankar alias Kushal Tiwari

**Rajya Sabha**

5. Shri H.K.Dua
6. Dr. Bharatkumar Raut

**Secretariat**

1. Shri R.K.Jain - Director

**Representatives of Ministry of Overseas Indian Affairs**

1. Dr. A. Didar Singh - Secretary
2. Shri A. Karan Singh - PGE/JS(DS)
3. Shri Atul Kumar Tiwar - Joint Secretary (FS)
4. Shri Shiv Ratan - Director (FS)
5. Shri Mithlesh Kumar - Director

- |    |                   |   |                        |
|----|-------------------|---|------------------------|
| 6. | Smt. Gloria Kumar | - | Deputy Secretary (DS)  |
| 7. | Shri M.K.Pandey   | - | Under Secretary (DS-I) |

### **Representatives of Ministry of External Affairs**

- |    |                      |   |                 |
|----|----------------------|---|-----------------|
| 1. | Shri Amrendra Khatua | - | Joint Secretary |
| 2. | Shri T.M.Pavalan     | - | Law Officer     |

### **Representatives of National Commission for Women**

- |    |                      |   |                   |
|----|----------------------|---|-------------------|
| 1. | Ms. Johra Chatterji  | - | Member Secretary  |
| 2. | Shri Raj Singh       | - | Deputy Secretary  |
| 3. | Smt. Kanchan Khattar | - | Coordinator (NRI) |

2. Hon'ble Chairman could not attend the meeting due to some urgent engagement. The Committee designated Shri Shreegopal Vyas to chair the sitting in terms of Rule 258(3) of the Rules of Procedure and Conduct of Business in Lok Sabha.

3. At the outset, the acting Chairman (Shri Sreegopal Vyas) welcomed the Members of the Committee, the Secretary and his colleagues from the Ministry of Overseas Indian Affairs, representatives from the Ministry of External Affairs and National Commission for Women. After brief introductions, a representative of the Ministry of Overseas Indian Affairs made power point presentation on the Subject. Thereafter, the Secretary, MOIA briefed the Committee on "Problems relating to Overseas Indian Marriages/Scheme for providing legal/financial assistance/rehabilitation to Indian Women deserted by their Overseas Indian Spouses".

4. The deliberation *inter-alia* included some of the important issues viz. awareness campaign being organized for the prospective brides and their parents, role of National Commission for Women and NGOs, free legal aid/counseling and financial help to deserted Indian women by their Overseas Indian husbands, review of existing laws and the need for a comprehensive legislation to handle cross borders family law problems, examination of international conventions and bilateral treaties related to the issue, compulsory registration of marriages and the issue related to Indian women married to foreign nationals.

The Committee also suggested that the publications/material related to problems relating to Overseas Indian Marriages/Schemes for providing legal/financial assistance/rehabilitation to Indian Women deserted by their Overseas Indian Spouses reportedly circulated to State Governments as well as during awareness campaigns organized from time to time for creating awareness among the prospective brides and their parents may also be circulated to the visitors at the 'Parvasi Bhartiya Divas' scheduled to be organized by the Ministry of Overseas Indian Affairs from 7-9 January, 2011 at New Delhi

5. The Secretary, MOIA responded to the various queries raised by the Members and assured the Committee to send replies to various points on which the information was not readily available with them.

6. The verbatim record of proceedings has been kept separately.

The Committee then adjourned.

**MINUTES OF THE FOURTEENTH SITTING OF THE STANDING COMMITTEE  
ON EXTERNAL AFFAIRS HELD ON 21 JUNE, 2011**

The Committee sat from 1600 hrs. to 1735 hrs. in Committee Room 'C',  
Ground Floor, Parliament House Annexe, New Delhi.

**Present**

**SHRI H. K. Dua**

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**In Chair**

**Members**

**Lok Sabha**

2. Shri T.K.S. Elangovan
3. Shri Vishwa Mohan Kumar
4. Shri Rajendrasinh Rana (Raju Rana)
5. Shri Rayapati Sambasiva Rao
6. Dr. Shashi Tharoor
7. Shri Shivkumar Udasi

**Rajya Sabha**

8. Shri Shivanand Tiwari
9. Shri Tarun Vijay
10. Shri Sreegopal Vyas

**Secretariat**

1. **Shri K.D.Muley**

-

**Director**

**Representatives of the Ministries of Overseas Indian Affairs  
(MOIA), External Affairs, Law & Justice and National  
Commission of Women (NCW)**

1. Dr. A. Didar Singh - Secretary (MOIA)
2. Shri Vinay Sahani - JS (MOIA)
3. Shri Roulkhumlien Buhiril - PGE (MOIA)
4. Shri Amrendra Khatua - J S (CPV), (MEA)
5. Shri J. L. Chugh - J S (MHA)

6.	Mrs. M. Ghose	-	JS (NCW)
7.	Smt. Veena Kothavale	-	Deputy Legislative Counsel
8.	Shri P. K. Pattanayak	-	Deputy Legislative Counsel
9.	Shri Shiv Ratan	-	Director (MOIA)
10.	Shri K. C. Badhok	-	Director (MOIA)
11.	Dr. Neeru Chadha	-	Director (MEA)
12.	Shri Raj Singh	-	DS (NCW)
13.	Smt. Aarti Chawla	-	Coordinator NRI Cell (NCW)
14.	Smt. Gloria Kumar	-	Deputy Secretary (MOIA)

2. Due to his pre-occupation, Hon'ble Chairman (Shri Ananth Kumar) could not attend the sitting of the Committee. The Committee, therefore, chose Shri H.K.Dua to act as Chairman for the sitting in terms of Rule 258(3) of the Rules of Procedure and Conduct of Business in Lok Sabha.

3. At the outset, the Chairperson (Shri H. K. Dua) welcomed the Members of the Committee, Secretary Ministry of Overseas Indian Affairs and representatives from the Ministries of External Affairs, Law & Justice and National Commission for Women.

4. Then, the Chairperson drew attention of the representatives of the Ministry of Overseas Indian Affairs and others associated with them in the discussions to Direction 55 (1) of the Directions by the Speaker, Lok Sabha.

5. Thereafter, Secretary Ministry of Overseas Indian Affairs briefed the Committee about the scheme in force for the protection and welfare of the Indian women deserted by their overseas Indian spouses and the various other issues related to the subject.

6. During discussions, the members of the Committee inter-alia raised various queries relating to the subject including the issues like modification in the existing welfare scheme based on suggestions given by Indian Missions/Posts abroad, legal difficulties being faced by deserted women, signing of MOUs and bilateral agreements with various countries where the Indian Diaspora is large in number, need for raising of financial assistance from the existing limit of Rs. 1500 dollars, role of NGOs and terms and conditions set forth by the Ministry for registration of NGOs, complaints received from deserted women and the action thereon taken by

NCW, impounding of passport of erring Indian husbands, need to amend the Passport Act, literature being disseminated by the Ministry under the awareness building programmes, working of website of MOIA and NCW, need to provide rehabilitation and support services to the deserted women and the role of Missions/Posts/consulates abroad in dealing with these issues.

8. The Secretary, Ministry of Overseas Indian Affairs and others replied to various queries raised by the Members and assured the Committee to furnish their replies on the points on which the information was not readily available with them.

9. A verbatim proceeding of the sitting has been kept on record.

*The Committee then adjourned.*



**MINUTES OF THE FIFTH SITTING OF THE STANDING COMMITTEE ON  
EXTERNAL AFFAIRS HELD ON 8<sup>TH</sup> DECEMBER, 2011**

The Committee sat from 1600 hrs. to 1715 hrs. in Committee Room 'B',  
Parliament House Annexe, New Delhi.

**Present**

**Shri Ananth Kumar – Chairman**

**Members**

**Lok Sabha**

2. Shri Anandrao Adsul
3. Shri S. Alagiri (Cuddalore)
4. Dr. Shafiqur Rahman Barq,
5. Shri Pradeep Majhi
6. Shri Inder Singh Namdhari
7. Shri Rajendrasinh Rana (Raju Rana)
8. Dr. Bholu Singh
9. Shri Janardhana Swamy
10. Dr. Shashi Tharoor

**Rajya Sabha**

11. Shri A.W. Rabi Bernard,
12. Shri Tarun Vijay
13. Shri Shreegopal Vyas

**Secretariat**

1. Shri U.S. Saxena - Joint Secretary
2. Shri K.D. Muley - Director
2. Dr. Ram Raj Rai - Additional Director
3. Shri Rakesh Bhardwaj - Under Secretary

## **Witnesses (Ministry of Overseas Indian Affairs and others)**

- 1 Shri Parvez Dewan, Secretary (MOIA)
- 2 Shri Vinay Sahani, JS (MOIA)
- 3 Shri Atul Kumar Tiwari, JS (MOIA)
- 4 Shri Roulkhumlien Buhril, PGE (MOIA)
- 5 Mrs. Ranjana Kale, Economic Advisor (MOIA)
- 5 Shri Amarendra Khatua, JS (CPV) (MEA)
- 6 Shri J.L. Chugh, JS (MHA)
- 7 Mrs. M. Ghose, JS (NCW)
- 8 Mrs. Sangeeta Verma, Eco. Advisor (M/o WCD)
- 9 Mrs. Vinita Aggarwal, Director (M/o WCD)
- 10 Smt. Veena Kothavale, Deputy Legislative Counsel (M/o Law)
- 11 Shri P.K. Pattanayak, Deputy Legislative Counsel (M/o Law)
- 12 Shri K.C. Badhok, Director (MOIA)
- 13 Dr. Neena Chadha, Director (MEA)

2. At the outset, Hon'ble Chairman welcomed the Secretary, Ministry of Overseas Indian Affairs and officials of Ministry of External Affairs, Ministry of Home Affairs, Ministry of Law, Ministry of Women and Child Development and National Commission for Women and drew their attention to Direction 55 (1) of the Directions by the Speaker, Lok Sabha.

3. Thereafter, Secretary, MOIA briefed the Committee on the subject "Problems relating to Overseas Indian Marriages/ Schemes for providing Legal/Financial Assistance/ Rehabilitation to Indian Women deserted by their Overseas Indian Spouses". He specifically mentioned that almost all the points raised during the last sitting of the Committee regarding the Scheme of MOIA were seriously considered by the Ministry and necessary amendments have been made in the Scheme to widen the scope and make the scheme accessible. Thereafter, a Power Point Presentation on the subject was made and elaborate upon modifications made in the earlier scheme and the new initiatives undertaken in the new scheme to strengthen it further.

4. During discussions, the Members of the Committee inter-alia raised various queries relating to the subject including the issues viz. more and better use of regional and local media for spreading awareness on the issue, establishing linkages with the Passport Offices, provision for enrolling/registering married Indian women in foreign Missions/Embassy, establishment of data base for all NRIs, appointment of marriage counsellors and NGOs in Missions and creation of single comprehensive website disseminating all information. Members also took note of lack of any provision for rehabilitation of deserted women, non-inclusion of deserted husbands in the scheme, lesser number of beneficiaries, plight of Indian wives forced into unethical practices in Gulf countries and stressed upon the importance of monitoring of Non Governmental Organizations involved in the scheme.

5. The Secretary, Ministry of Overseas Indian Affairs and representatives of National Commission for Women replied to various queries raised by the Members and assured the Committee to furnish the requisite data and written replies on the points on which the information was not readily available with them.

6. The verbatim record of the proceedings has been kept separately.

*The Committee then adjourned.*

**MINUTES OF THE SITTING OF THE STANDING COMMITTEE ON  
EXTERNAL AFFAIRS HELD ON 19<sup>TH</sup> JUNE, 2012**

The Committee sat from 1100 hrs. to 1230 hrs. in Committee Room D, Parliament House Annexe, New Delhi.

**PRESENT**

Shri Ananth Kumar – Chairman

**MEMBERS**

**LOK SABHA**

2. Shri T.K.S. Elangovan
3. Shri Inder Singh Namdhari
4. Shri Rajendrasinh Rana
5. Dr. Bholu Singh
6. Dr. Shashi Tharoor

**RAJYA SABHA**

7. Shri Birendra Prasad Baishya
8. Shri A.W. Rabi Bernard
9. Shri Murli Deora
10. Shri H.K. Dua
11. Dr. Najma A. Heptulla
12. Dr. K.P. Ramalingam
13. Dr. Bharatkumar Raut
14. Shri Shivanand Tiwari
15. Shri Tarun Vijay

**SECRETARIAT**

1. Dr. Ram Raj Rai - Additional Director
2. A. Sivanandam - Under Secretary

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

3. The Committee took up for consideration and adoption of the draft Report on the subject “Problems relating to Overseas Indian Marriages: Scheme for providing legal/Financial Assistance/Rehabilitation to Indian women deserted by their Overseas Indian Spouses”. The Chairman invited the Members to offer their suggestions, if any, for incorporation in the draft Report. The Members suggested some minor modifications. The Committee adopted the draft Report with minor modifications.

4. The Committee then authorized the Chairman to finalize the Report incorporating the suggestions made by the Members and present the same to the Hon’ble Speaker and subsequently to both the Houses of the Parliament after the commencement of the next Session.

*The Committee then adjourned.*