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**STANDING COMMITTEE  
ON EXTERNAL AFFAIRS  
(2012-2013)**

**FIFTEENTH LOK SABHA**

**MINISTRY OF OVERSEAS INDIAN AFFAIRS**

[ Action Taken on the recommendations contained in the Fifteenth Report (15<sup>th</sup> Lok Sabha) 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" ]

**TWENTY-FIRST REPORT**



**LOK SABHA SECRETARIAT  
NEW DELHI**

***May, 2013 / Vaisakha, 1935 (Saka)***

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***Presented to Hon'ble Speaker, Lok Sabha on 25<sup>th</sup> May, 2013***

***Presented to Lok Sabha on 7th August, 2013***

***Laid in Rajya Sabha on 7th August, 2013***



**LOK SABHA SECRETARIAT**  
**NEW DELHI**  
***May, 2013 / Vaisakha, 1935 (Saka)***

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**COMPOSITION OF THE COMMITTEE ON EXTERNAL AFFAIRS (2012-2013)**

<b>Sl. No.</b>	<b>Name of Member</b>
1.	Shri Ananth Kumar - Chairman

**Lok Sabha**

2.	Shri Anto Antony
3.	Shri Sansuma Khunggur Bwiswmuthiary
4.	Shri Bhudeo Choudhary
5.	Shri Bhakta Charan Das
6.	Shri Suresh Kalmadi
7.	Shri Pradeep Kumar Majhi
8.	Shri Jose K. Mani
9.	Shri Gobinda Chandra Naskar
10.	Shri Rakesh Pandey
11.	Shri M.B. Rajesh
12.	Shri J. Ramesh
13.	Shri Rajendrasinh Rana
14.	Shri Elangovan T.K.S.
15.	Shri Francisco Sardinha
16.	Dr. Bholu Singh
17.	Shri Janardhana Swamy
18.	Dr. Girija Vyas
19.	Shri Sultan Ahmed *
20.	Shri Inder Singh Namdhari @
21.	Vacant \$

## **Rajya Sabha**

22. Smt. Jaya Bachchan
23. Shri A.W. Rabi Bernard
24. Shri Murli Deora
25. Dr. Najma A. Heptulla
26. Shri Balbir Punj
27. Dr. K.P. Ramalingam
28. Dr. Karan Singh
29. Shri N.K. Singh
30. Shri D. P. Tripathi
- 31 Smt. Ambika Soni#

## **SECRETARIAT**

1. Shri U. S. Saxena - Joint Secretary
2. Dr. Ram Raj Rai - Director
3. Shri Vikas Gachli - Executive Assistant

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\* Shri Manish Tewari ceased to be Member of the Committee consequent upon his appointment of as Minister of State w.e.f. 28.10.2012 and Shri Sultan Ahmed is nominated w.e.f. 13.12.2012.

@ Dr. Shashi Tharoor ceased to be Member of the Committee consequent upon his appointment of as Minister of State w.e.f. 28.10.2012 and Shri Inder Singh Namdhari is nominated w.e.f. 13.12.2012 .

\$ Shri Nama Nageswara Rao ceased to be Member of the Committee consequent upon change of nomination to Committee on Commerce w.e.f. 13.12.2012.

# Smt. Ambika Soni has been nominated to the Committee *vice* Dr. M. S. Gill who has been nominated to the Committee on Urban Development w.e.f. 27<sup>th</sup> December, 2012.

# INTRODUCTION

I, the Chairman, Standing Committee on External Affairs (2012-13) having been authorized by the Committee to present the Report on their behalf, present this 21<sup>st</sup> Report (15<sup>th</sup> Lok Sabha) on Action Taken by Government on the recommendations contained in the 15<sup>th</sup> Report (15<sup>th</sup> Lok Sabha) of the Committee 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”

2. The 15<sup>th</sup> Report was presented to Hon’ble Speaker, Lok Sabha on 12<sup>th</sup> July, 2012 and presented to Lok Sabha & laid in Rajya Sabha on 14<sup>th</sup> August, 2012. The Action Taken Replies of the Government on all the recommendations/observations contained in the Report were received on 1<sup>st</sup> March, 2013

3. The Committee considered and adopted this Action Taken Report at their sitting held on 9<sup>th</sup> May, 2013. The Minutes of the sitting of the Committee have been given at Appendix-I to the Report.

4. An analysis of the Action Taken by Government on the recommendations contained in the 15<sup>th</sup> Report of the Standing Committee on External Affairs (15<sup>th</sup> Lok Sabha) is given in Appendix-II.

**NEW DELHI**  
***09 May, 2013***  
***19 Vaisakha, 1935 (Saka)***

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

## CHAPTER – I

### REPORT

This Report of the Standing Committee on External Affairs deals with the Action Taken by the Government on the observations/recommendations contained in their Fifteenth Report on the subject “Problems relating to Overseas Indian Marriages: Scheme for providing legal/financial assistance to Indian women deserted by their overseas Indian Spouses” was presented to Hon’ble Speaker, Lok Sabha on 12<sup>th</sup> July, 2012 and presented to Lok Sabha and laid in Rajya Sabha on 14<sup>th</sup> August, 2012.

2. The Action taken notes have been received from the Ministry of Overseas Indian Affairs on all the observations/recommendations contained in the report. These have been categorized as follows: -

(i) **Recommendations/Observations, which have been accepted by the Government.**

Recommendation Nos.1, 2, 3, 6, 7, 16, 21, 22 & 23

**Total-09**

(ii) **Recommendation/Observation which the Committee do not desire to pursue in view of the Government replies.**

Recommendation Nos. - NIL

**Total- 00**

(iii) **Recommendation/Observation in respect of which reply of Government have not been accepted by the Committee and require reiteration.**

Recommendation Nos. 4, 5, 17, 18 & 20

**Total- 05**

(iv) **Recommendations/Observations in respect of which final replies of Government are still awaited.**

Recommendation Nos. – 8, 9, 10, 11, 12, 13, 14, 15, 19, 24, 25, 26 & 27

**Total-13**

3. The Committee desire that final replies to the recommendation/observations for which only interim replies have been given by the government should be furnished within three months of the presentation of this Report.



4. The Committee will now deal with the action taken by the Government on some of their observations/recommendations.

**(Recommendation No.2)**

5. While going into the details of the agencies dealing with the issue of NRI marriages, the Committee had found 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 were also concerned with the issue of providing timely relief to the victims of such marriages. The Committee were, however, constrained in noting that in absence of any defined coordination mechanism amongst the various agencies, no satisfactory results had come out so far. It had all the 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, had been working independently for the same cause without the desired coordination with each other. Doubtless, they were creating awareness but using separate methods and materials. MOIA extended financial and legal assistance through Missions/Posts abroad in the countries where there were large number of cases of desertion/divorce by NRI husbands, whereas NRI Cell of NCW helped in facilitating action on the complaints of such woman victims by coordinating with the relevant agencies. MOIA also forwarded the complaints received in the Ministry in that regard to the State Governments/NCW and other Ministries for appropriate action. The Committee did not approve that state of confusion where the victims of such marriages had to approach different agencies for different kind of assistance. Since the aggrieved women needed immediate and respectable solution to their problems, the Committee, had recommended 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 had further desired that an inter-ministerial Coordination Committee should be set up for better monitoring of the welfare measures being undertaken in this regard. The Committee had also desired 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.

6. The Ministry of Overseas Indian Affairs in their action taken reply have stated as under:

“In compliance of the recommendation of the Committee, an Inter-ministerial Coordination Committee(IMCC) consisting of officials from M/o External Affairs , National Commission for Women, M/o Woman & Child Development, M/o Law & Justice and M/o Home Affairs was constituted on 21.8.2012.

First meeting of the IMCC was held on 10.9.2012 under the Chairmanship of the Secretary, MOIA and all the recommendations of the Parliamentary Standing Committee were discussed in detail for their implementation. Next meeting to review the progress is scheduled for the end of February 2013.”

7. The Committee are satisfied to note that in compliance to the recommendation of the Committee, an Inter-Ministerial Coordination Committee (IMCC) consisting of Officials from M/o External Affairs, National Commission for Women, M/o Women & Child Development, M/o Law & Justice and M/o Home Affairs has been constituted since August, 2012 and in their first meeting they have discussed all the recommendations of the Committee for implementation. The Committee hope that the inter-Ministerial Committee would sincerely follow up the implementation of the recommendations of the Committee and work for better monitoring of the welfare measures for affected women of NRI marriages. The Committee, however, desire that the Inter-Ministerial Coordination Committee should regularly review and initiate coordinated action with whole gamut of problems related to the issues of NRI marriages and the welfare of the women and reconciliation as well as rehabilitation of the victims of such marriages. The Committee, further desire that in such coordinated efforts, the participation of State Governments where more such cases are reported should also be ensured during such reviews. The Committee should be regularly updated about the outcome of such coordinated efforts in the matter.

**(Recommendation No.3)**

8. In view of reports of several cases of contracting multiple marriages, the Committee had opined that such cases happened due to non-availability of information about such erring husbands or habitual NRI offenders who contract multiple marriages. The Committee, had therefore, desired 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 had entered into multiple marriages. The Committee were confident that availability of such information on website would certainly act as a major deterrent and more importantly a source of information/caution to general members of public for preventing them from marrying a dishonest NRI groom, who is already guilty of escaping from the clutches of law after contracting multiple marriages on the Indian soil. The Committee had also desired that for the benefit of the people of all regions of the Country, whole information should be available in all major regional languages on one link.

9. In their action taken reply, the Ministry of Overseas Indian Affairs have stated as under:

“The website of MOIA contains the relevant information on the scheme and assistance provided by MOIA. The information is updated from time to time.

In the 6<sup>th</sup> Annual Consultation meeting with State Governments held on 20-21 September 2012, the participating State Government officials were further sensitized and requested to upload the details of such grooms on their websites.”

**10. The Committee observe that the website of MOIA contains the information and details on the scheme of MOIA and the assistance being provided by them under the scheme. However, it still lacks the information regarding the erring grooms or habitual NRI offenders who contract multiple marriages. The Ministry has simply sensitized the State Governments on the same issue during annual Consultation meeting without any further follow up. The Committee, therefore, desire that MOIA should continuously persuade the State Governments to upload this information on websites on priority basis so that people’s awareness in that regard may prevent them from marrying such dishonest/erring grooms responsible for multiple marriages and spoiling the life of several girls. States should also be asked to update this information on regular basis to make it relevant.**

**(Recommendation No. 4)**

11. The Committee had observed that the National Commission for Women (NCW) had 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 the Cell had 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 was however, anguished in noting that there was no separate demarcated staff for the NRI Cell and no specific budget had been allocated for that Cell. Without any fund, the Cell was not in a position to provide any financial assistance to victims of such marriages. The Committee had deplored the casual approach of the NCW in handling such sensitive and important issue where in the name of disposal, only 30 cases stood closed since inception, against 813 complaints received. On the ground, NCW was giving the support to the victims simply by following up the cases by sending correspondence to the concerned agencies and followed them with reminders. As a matter of fact, the victims were 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 had, therefore, strongly recommend that the Ministry of Women and Child Development should provide sufficient number of separate staff for the NRI Cell of NCW along with adequate separate fund allocation from the current year itself to enable the NCW in handling very important and sensitive responsibility assigned to them relating to abandoned and aggrieved women. The Committee had also desired that NCW in consultation with the 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 got quick and timely response and help from the designated coordinating agency.

12. The Ministry of Overseas Indian Affairs has submitted the following action taken reply:

“Two Coordinators (one to look into complaints and other to look into related Policy matters), a Counselor, a Research Assistant and a typist are assigned to deal with the work of the NRI Cell of NCW.

In the NCW, 30 cases closed out of 813 cases received does not reflect that only 30 cases have been taken up out of 813 complaints received.

NRI Cell of NCW takes up 100% complaints registered with it and takes suitable action on each and every complaint registered. The complaints which have not been closed have been taken up for suitable action and are considered pending for various reasons. “

**13. The Committee are surprised to note that NRI Cell of National Commission for Women (NCW) comprises only two coordinators, one consular, one Research Assistant and one typist to handle such sensitive and important responsibilities assigned to them. The Committee also criticize the unsatisfactory approach shown by NCW in submitting the action taken reply on the issue of disposal and pendency of cases registered with them. They have also not found it essential to respond on the issue of allocation of separate funds for this Cell to handle a large number of responsibilities assigned to them as the nominated coordinating agency at national level for welfare of victims of NRI marriages. NCW is not supposed to fulfill their responsibilities by just forwarding the complaints to the State Governments and Missions/Posts. Rather for a quick and timely response and desired help to those victims they have to play a proactive and major role in coordination with other concerned agencies. The Committee, therefore, strongly reiterate that NRI Cell of the NCW should be provided with sufficient number of staff along with separate Budget allocation proportionate to the important responsibility assigned to them so that they may be able to provide every type of timely help to the victims of NRI marriages.**

**(Recommendation No. 5)**

14. When the girls married to NRIs either with their own high flying wishes or with the wishes of their parents are deserted, they face 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 a prey for exploitation. In Committee's view, there was 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, had strongly recommended 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 had also desire that Ministry of Women and Child Development should apportion sufficient fund from the head of welfare of women for that purpose and NCW should be strengthened by providing sufficient number of experts capable to handle these responsibilities. The Committee had 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.

15. The Ministry of Overseas Indian Affairs in their action taken reply have stated as under:

“As far as NCW's mandate is concerned, the Commission is a recommendatory body for matters pertaining to women's rights. Hence there are no schemes administered by NCW including any specific scheme to provide safe rehabilitation of women deserted by NRI husbands. As per its mandate NCW gives advice and recommendations to the Government on any policy or issue relating to the NRI marriages, as it does for other areas of concern.

Also in the NRI Cell of NCW there is a provision for a counselor who provides help in the form of pre-counselling to the prospective Indian bride marrying a NRI/PIO spouse or post-counselling to the deserted Indian women by NRI/Overseas spouses, when approached.”

**16. The Committee are annoyed to note the reply given by the Government mentioning the mandate of National Commission for Women (NCW) regarding women's rights. The Committee are very much aware of the role of NCW as a recommendatory body for matters pertaining to women's rights but as the nodal agency on the issues relating to NRI marriages, its role may certainly not be limited only to give advice and recommendation for the policy matters pertaining to this subject. That is why the Committee had desired that**

**as a nodal coordinating agency in the matter, the NCW should take a lead by incorporating the activities like education, counseling and consultancy in the functions of NRI Cell and prepare a comprehensive scheme for the rehabilitation of women deserted in NRI marriages and the scheme should be fully funded and implemented by the parent Ministry of NCW responsible for welfare of women i.e. Ministry of Women & Child Development through NCW.**

**The Committee, therefore, strongly reiterate their views in this regard and desire that a welfare scheme for rehabilitation of the deserted women in NRI Marriages with an objective to facilitate to restart their normal life on repatriation must be prepared and implemented by the Women and Child Development Ministry/NCW with specific funds allocated and provided by the Ministry of Women and Child Development. NCW should take up the issue during the Inter-Ministerial Coordination Committee (IMCC) meetings if they require any assistance/support from other concerned Ministries in the matter.**

**(Recommendation No. 6)**

17. The Committee, had expressed a strong view that if we were actually serious enough to help the people, we should have to make sincere efforts to prevent them from being trapped into such net and not after they have had problems. The Committee, had also felt that in addition to publication of pamphlets and other material more was to be done by NCW on awareness front. The Committee, had therefore, desired that the Ministry of Women and Child Development should sensitize the young generation on those issues by organizing seminars in colleges and high schools, particularly in Girls Schools/Women's Colleges. The Committee had expected 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.

18. In their action taken reply, the Ministry of Overseas Indian Affairs have stated as under:

“In compliance of this recommendation MOIA has organized two debates as follows:

- (i) In association with Women's Studies and Development Centre, University of Delhi a debate was organized in the Shaheed Sukhdev College of Business Studies , University of Delhi on 24.9.2012;

- (ii) In association with the Centre for Study of Indian Diaspora, University of Hyderabad, a debate was organized in the University of Hyderabad Campus on 6.10.2012.

Both these debates received enthusiastic response from the students in the two Universities and were also covered by the media. Thus the events succeeded in generating a lot of awareness.

Similarly, NCW organized a National Seminar in collaboration with Punjab Police to address the problems relating to NRI/Overseas marriages in Jalandhar, Punjab on 30<sup>th</sup> May 2012 wherein NCW publications in Punjabi language were widely circulated.

In an attempt to provide available legal and other remedies to Indian women trapped in such marriages NCW has published an informative booklet “Abandoned Indian Women Trapped in NRI Marriages” in English, Hindi and Punjabi.

NCW is making efforts to publish information brochure and booklets on the subject in regional languages of different states. NCW has written to the concerned State Governments to take the initiative to jointly publish it in the regional language of the concerned States. Kerala Police and Punjab police are circulating this informative brochure in the regional languages.

NCW has widely circulated its publications on NRI marriages namely “Nowhere Brides-A report on NRI Marriages”; “Problems relating to NRI Marriages-Dos and Don’ts”; and booklet “Abandoned Indian Women Trapped in NRI Marriages”, in several workshops and seminars conducted by NCW all over the country.”

**19. The Committee appreciate the good beginning made by MOIA and NCW in arranging debates and seminars on the issues related to NRI marriages and circulation of awareness materials in regional languages during these programmes and welcome the enthusiastic response of younger generation thereto. However, the Committee desire that similar efforts should continue in future also and MOIA and NCW should organize more such debates/seminars/workshops in a planned way particularly at Girls Schools/Colleges especially in the states facing more cases of trapping of women with a reach of awareness campaign at the grass root level. For that purpose the assistance and cooperation from the State Governments and Ministry of HRD should also be obtained appropriately.**

**(Recommendation No. 8)**

20. 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.

21. The Ministry of Overseas Indian Affairs in their action taken reply have stated as under:

“As already stated, 25 State Governments and 6 Union Territories have reported that it is being done.”

**22. The Committee have been informed that 25 states and 6 Union Territories have reported that the compulsory registration of marriages is being done. However, from the reply of the Government, it is not clear whether the States have started implementing the decision of making registration of marriages solemnized in those states as per uniform pro-forma prepared by MOIA in consultation with those states and Ministry of Law and Justice or with some other method. The Committee, therefore, desire that the Government should ensure that registration of all NRI marriages solemnized in India should compulsorily be registered as per the finalized uniform pro-forma for registration containing specific information about the couples to build a proper identification and tracking system. The Committee should be apprised of the progress made in this regard.**

**(Recommendation No. 9)**

23. The Committee had noted 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 that regard, the Ministry of Home Affairs had issued circulars to ensure that FIRs in such marriage disputes/ problems should be registered without any delay. But the Committee had found that the State Governments of U.P. and Andhra Pradesh only had forwarded those communications to their judiciary for appropriate action. The Committee, had therefore, desired that the Ministry of Overseas Indian Affairs/NCW should ensure an early implementation of that decision in all the States/UTs in conjunction with the Ministry of Law & Justice. The Committee had desired to be informed about the progress and achievements made in that regard.



24. The Ministry of Overseas Indian Affairs in their action taken reply have stated as under:

“Ministry of Overseas Indian Affairs (MOIA) is pursuing the matter with the Department of Justice, M/o Law and Justice.”

**25. The Committee find that the Ministry has submitted a stereo type reply without any reference of the exact response of each state Government to the circular issued by Ministry of Home Affairs to the state Governments asking them to ensure that FIRs in such marriage disputes should be registered without any delay because in Committee’s view, this is the first important step in the legal processes if the Government wants to support the affected women of such marriages. The Committee, therefore, reiterate that MOIA must not only pursue the department of Law & Justice but also the Home Ministry so that all the State Governments & UTs initiate a prompt action on the guidelines issued by MHA and the objective of bringing such cases under the fast track courts and regular monitoring is achieved appropriately. The Committee should be informed about the outcome of such efforts made by MOIA.**

**(Recommendation No. 10 & 13))**

26. The Committee had also observed that as agreed, serving of notices, summons and enforcement of maintenance orders were 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 was still under examination in the CPV Division in the Ministry of External Affairs. The Committee had desired that it should to be expedited and reported back to this Committee within three months’ time.

27. The Ministry of Overseas Indian Affairs has submitted the following action taken reply:

“MOIA has written to its Missions in these five countries to facilitate meetings with the concerned State Departments in these countries. Based on this proposal, dates for meeting were received from the Canadian Government. However as the dates proposed were falling during the Winter session of Parliament, alternate dates have been requested.

Our Missions in the other concerned countries are also being pursued for initiating consultations in this regard.”

28. The Committee had further noted that the Inter-Ministerial Committee had agreed that appropriate bilateral agreements would 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 were surprised to note that the feasibility report of bilateral agreement was still pending and no satisfactory progress had been made so far. The views of territorial divisions of the concerned Ministries had also not been obtained till date. The Committee had, therefore, desired 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.

29. The Ministry of Overseas Indian Affairs in their action taken reply have stated as under:

“It is relevant to state that even in the past, a team of MOIA officials had gone to USA for generating awareness and publicity about the launch of the scheme and consultations with NGOs/Women’s Organizations for taking their views on addressing the problems of failed / fraudulent NRI Marriages.

In compliance of this recommendation, MOIA has again written to its Missions in these five countries to facilitate meetings with the concerned State Departments in these countries.

Based on this proposal, dates for meeting were also received from the Canadian Govt. However as the dates proposed were falling during the Winter session of Parliament, alternate dates have been requested.

Our Missions in other concerned countries are also being pursued for facilitating consultations in this regard.”

**30. The Committee are not satisfied with the progress made so far in the direction of finalizing the Mutual Legal Assistance Treaties (MLAT) with USA, UK, Canada, Australia and New Zealand which is very important to protect the interests of Indian women victims of Overseas marriages in these countries. The Committee, therefore, desire that MOIA should pursue the matter with the Indian Missions seriously so that consultations conclude in the shortest possible time and the agreements are finalized at the earliest. The Committee should be informed regularly about the progress made in that regard.**

**(Recommendation No. 11)**

31. The Inter Ministerial Committee had also decided that information Brochure in that regard should be prepared by experts having knowledge of Private International Law on the working of the relevant Hague Conventions and procedures that was 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 those provisions. But the Committee had noted that no further progress had been made so far in that regard after sending a reference to the Department of Legal Affairs, Ministry of Women and Child Development and NCW. The Committee, had therefore, desired 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 that regard.

32. In their action taken reply, the Ministry of Overseas Indian Affairs have submitted the following status:

“To update the Information Brochure, suggestions were sought from the concerned Ministries and Agencies.

In this regard reminder has been issued to concerned Ministries and the item will be further taken as agenda in the next Inter Ministerial Coordination Committee Meeting is being scheduled for the end of February 2013.”

**33. The Committee are surprised to note that too much time is being taken in preparation of Information Brochure with valid information on Private International Law on the working of the relevant Hague conventions and notices, summons etc. to be issued to the involved parties staying abroad. Moreover, there is no mention of any participation of experts having knowledge of private International Law on the working of the relevant Hague conventions and procedures in preparation of the Brochure. The Committee, therefore, desire that brochure should be prepared/updated on the basis of the suggestions received from the concerned Ministries/Agencies/experts at the earliest.**

**(Recommendation No. 12)**

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, the decision was not being implemented on ground level. The Ministry of Overseas Indian Affairs should ensure that implementation of that decision started immediately.

35. The Ministry of Overseas Indian Affairs in their action taken reply have stated as under:

”State Governments have been requested again in the 6<sup>th</sup> Annual Consultation Meeting with States Governments held in Delhi on 20<sup>th</sup> -21<sup>st</sup> September 2012, in Delhi.

This is being pursued actively with the State Governments.”

**36. From the reply of the Ministry, it is evident that the State Governments have not been taking initiatives to pass on the court order against any accused NRIs to the Emigration Authorities to prevent their escape. The Committee do not find any specific reason for not implementing the decision as conveyed to the State Governments. The Committee, therefore, desire that the Ministry should not restrict itself only in writing and reminding the state Governments in the matter but they should pursue the matter until all the States start implementing the decision of the Inter-Ministerial Committee in that regard.**

**(Recommendation No. 14)**

37. The Committee had observed that all the decisions taken by the Central Government on the issues relating to NRI marriages were being conveyed to the State Governments for further action but the response of the State Governments was not very enthusiastic. The victims residing in different parts of a particular State were also not able to follow their cases by visiting the state capital frequently. The Committee, had therefore, desired 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 had also desired 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.

38. The Ministry of Overseas Indian Affairs in their action taken reply have stated as under:

“These have been reiterated to the State Governments in the 6<sup>th</sup> Annual Consultation Meeting with State Governments held on 20<sup>th</sup> -21<sup>st</sup> September 2012 in Delhi.

This is being pursued actively with the State Governments.”

**39. In the reply given by the Ministry, there is a reference of conveying the views of the Committee to the State Governments during the Annual consultation meeting with the State Governments held in September but, surprisingly there is no mention of response from any State Government on the issue of the appointment of Nodal Officers at the State/District levels where the cases of NRI Marriages are maximum and the cases of desertion are acute. Such approach of the Ministry in the matter may not be treated as an active persuasion on their part. The Committee, therefore, reiterate that the Ministry should seriously take up the matter at the highest level for appointment of Nodal Officers particularly in those States where NRI marriages are largely prevalent and desertion is acute. This information should properly be notified on the sites of MOIA and NCW so that the victims do not face difficulty following their cases at the nearby location. The Committee desire to be updated on the progress made in this regard.**

**(Recommendation No.15)**

40. The Committee were 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 had felt that a significant help must 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 had, therefore, strongly recommended 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 was brought to their notice that the passport holder who had been issued warrant or summons was not cooperating with the court by presenting himself before it as desired.

41. The Ministry of Overseas Indian Affairs in their action taken reply have stated as under:

“The matter is being pursued with MEA.”

**42. The Committee are anguished to note that the Ministry has not been able to pursue the Ministry of External Affairs to ensure impounding and revocation of passports of erring grooms by the Passport authorities/ Missions/Posts by issuing strict instructions to them for effective implementation of the provisions of Section 10(3)h of the Passport Act, 1967. The Committee, therefore, desire that MOIA should actively pursue the matter with MEA so that under the instructions of MEA the Passport authorities can start using their discretion under Section 10(3)h of the Passport Act, 1967 without any further delay.**

**(Recommendation No. 17)**

43. The Committee had found that the financial assistance under the scheme of MOIA was for defraying initial legal expenses of documentation and preparatory work for filing the case by empanelled NGO etc. only. It did not even include lawyers' fees which supposed to be met by the NGOs who had on their panel the lawyers who rendered such services *pro bono*. It was more surprising to note that the rehabilitation of women in distress had still not been made a part of the recently revised scheme of MOIA. In such cases, the deserted women required shelter and other urgent assistance for their sustenance and only then they could think about taking any legal action against the erring husbands. The Committee had 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 did not serve the purpose of those abandoned women who had to undertake a long legal fight in a foreign country. The Committee had, therefore, desired 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.

44. In their action taken reply, the Ministry of Overseas Indian Affairs have stated as under:

“Presently 27 Indian Women’s Organizations/Indian Community Associations/NGOs in 7 countries, namely, USA, Qatar, Australia, Canada, Bahrain, New Zealand, and UK are empanelled with Indian Missions / Posts abroad to provide legal/financial assistance to Indian women deserted by their overseas spouses.

Missions also provide crisis assistance and support to such Indian women in distress.”

**45. The Committee express their concern over the such cool response of the Ministry on their suggestion for inclusion of provisions for counseling and rehabilitation of women in distress as a part of the existing scheme of MOIA. The Committee’s basic intent was that**

**Indian Missions concerned should first of all help the deserted/ abandoned Indian women physically and mentally, thereafter, the financial and legal assistance along with all possible help for their stay at that place should be provided till they reach their home town safe and sound. Only with such endeavor, the MOIA can save the already tormented women from running to various quarters for help in the foreign land where she is deserted. The Committee, therefore, reiterate that the welfare schemes of MOIA should be made more practical by incorporating the provisions of rehabilitation and counseling under the ambit of the scheme along with financial empowerment to Embassies/Missions to provide such need based assistance.**

**(Recommendation No. 18)**

46. The Committee were of the opinion that apart from various efforts being made by Missions/Posts to help the victims of NRI marriages, there was a need to develop a mechanism for quick tracking of concerned NRIs/PIOs in a case of desertion. The Committee had, therefore, desired that Missions/Posts should be provided separate funds for location of such persons through agencies available for such purposes. Missions/Posts might also undertake that work involving reputed NGOs and other linguistic civil society organizations, which had their branches or official links in other prominent countries. Assistance of these NGOs/Civil societies might also be taken in verifying the antecedents of groom(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 that 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.

47. The Ministry of Overseas Indian Affairs in their action taken reply have only stated as under:

“The recommendation has been noted.”

**48. The Committee are not at all happy with the vague reply of the Ministry with regard to development of a mechanism for quick tracking of the concerned NRI marriage defaulters in case of desertion/abandonment. The Committee’s intention is to make use of the infrastructure of the Indian Missions abroad for tracking or isolating the named**

**defaulters of NRI marriages by their direct help or through the Indian Societies/Organizations or through the foreign NGOs or directly through the employers of the defaulters.**

**The Committee, therefore, desire that such mechanism should be developed with support of MEA so that antecedents of prospective grooms could be verified before the marriage or in case of desertion, the tracking of such defaulter grooms is possible with the help of our Embassies/Missions abroad. The Committee would like to be apprised of the latest developments in this regard along with the details of separate funds allocated to the Missions/Posts for that purpose.**

**(Recommendation No. 19)**

49. The Committee had felt that defending a matrimonial battle abroad sitting in India is an impossible task. Moreover, issue of visa was also very difficult and time-taking. The Committee had, therefore, desired 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 might 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 had 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 might be able to fight the legal battle.

50. The Ministry of Overseas Indian Affairs in their action taken reply have stated as under:

“This is being pursued with MEA.”

51. **The Committee are not satisfied with the stereotype reply of the Ministry stating that the matter regarding simplification of procedure for quick issuance of visas to deserted women is being pursued with MEA, because such victims have to run from pillar to post for getting visa for reaching the destined foreign land for participating in the legal proceedings until settlements and it requires support from the authorities. The Committee,**



**therefore, strongly reiterate that MOIA must seriously follow up the matter with the MEA for the simplification of visa procedure and speeding up of issuance of visa to such women. Simultaneously, the matter of extending or permanent residence status to deserted/abandoned Indian spouses at the place of the legal wrangle until final settlement of the case should also taken on priority basis and in case of such NRI/PIO husband wants to cancel sponsorship of his spouses' visa, a system of cross check should also be introduced with immediate effect. Because without such support system for deserted/abandoned women, the other elements of support system would fall apart.**

**(Recommendation No. 20)**

52. The Committee had observed that over the years, the problems of Indian women trapped in fraudulent marriages with overseas Indians were increasingly reported in electronic and print media. As a matter of fact, 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 had, therefore, desired 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 was 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 might also be directed to prepare a list of NGOs, Linguistic Civil Society Organizations which might 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

53. The Ministry of Overseas Indian Affairs in their action taken reply have stated as under:

“Details of empanelled NGOs are available on the website of MOIA. The website is updated regularly.”

**54. The Committee are of the opinion that the Ministry has not taken the spirit of the recommendation and seriousness of the issue and has submitted an evasive reply without any action or effort on their part in the direction of setting up a complaint & Counseling**

**desk for help of such women victims at all those Indian Missions where there is a higher incidence of such cases. The question of engagement of NGOs that are empanelled and displayed on the websites comes as a secondary help depending on the setting up of this Complaint & Counseling Desk at the Mission. The Committee, therefore, reiterate that such desks should be created at the Indian Missions where there is more possibility of occurrence of such cases to guide and help the ill-fated women in the constraints of language, communication, knowledge of local justice and legalities and availability of funds for self sustenance at one place. The Committee also desire that the list of empanelled NGOs should be expanded by adding the details of linguistic civil society organizations particularly to provide the assistance in knowing the credentials of the grooms before marriage or tracking the NRIs/PIOs in cases of desertion.**

**(Recommendation No. 22)**

55. The Committee had observed that MOIA had brought out a guidance booklet on 'marriages to overseas Indians' which contained information of safeguards available to women deserted by their spouses, legal remedies available, authorities that could be approached for redress of grievances. Similarly, a pamphlet entitled 'thinking of the marriage of your daughter with NRIs' had also been brought out by the Ministry highlighting the precautions to be taken before entering into marriage alliance. The Committee had found that implementation of safeguards and social measures need to be addressed earnestly. In Committee's view that could be done by creating social awareness, counseling and tackling violations and implementations of safeguards, institutional and other arrangements.

The Committee had found that these materials were published mainly in English and Hindi and a few in regional languages. The Committee had, 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, Gujarati etc. pertaining to the States from where more NRIs are settled abroad and that should be widely circulated through the State Governments for better awareness. The Committee had also desired 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, those 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.

56. The Ministry of Overseas Indian Affairs in their action taken reply have stated as under:

“In compliance of the Recommendation of the Committee, the Booklet on Marriages to Overseas Indians has been got translated into Malayalam and Tamil. This is now being updated before printing and distribution.”

**57. The Committee are happy to note that in response to their recommendation, the Ministry has got translated the booklet ‘marriages to overseas Indians’ in two important regional languages i.e. Malayalam and Tamil. The Committee, however, desire that after updating, these booklets should be printed and widely distributed in concerned States. Simultaneously, the work relating to translation and printing of the booklets in remaining regional languages like Telugu, Marathi, Punjabi and Gujarati etc. should also be completed on priority basis so that awareness through booklets is widely spread particularly in those States from where more such cases are reported.**

**(Recommendation No. 24)**

58. The Committee had observed that NCW were 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 had, therefore, desired 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 were domiciled in foreign countries. For that, the Committee had desired 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 had also desired 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.

59. The Ministry of Overseas Indian Affairs in their action taken reply have stated as under:

“MEA is being actively pursued in this regard.”

**60. The Committee are not at all satisfied with the reply of the Ministry because they have not provided any details about the outcome of the initiatives taken by MOIA/MEA under the consular protection obligation asking the foreign Embassies, Missions and Consulates in India to provide data about erring spouses of NRI marriages domiciled in those countries. The Committee treat this support from Embassies/Missions/Consulates as the most important one for the deserted spouse or the agencies supporting such spouses. The Committee, therefore, desire that through MEA, MOIA must ensure to make such**

**consular assistance mandatory so that the MOIA or NCW become able to follow up the cases of affected NRI brides in getting complete authentic information about erring spouses through foreign Embassies/Missions/Consulates particularly of the countries where such cases occur frequently.**

**(Recommendation No. 25)**

61. The Committee had noted that the most important difference was that the recourse to justice was constrained by the fact that NRI marriages were 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 had felt an urgent need of a comprehensive law to tackle the problems related to NRI marriages. The Committee had, therefore, strongly recommended 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 dealt 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 had also desired 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 might be worked out with such countries.

62. The Ministry of Overseas Indian Affairs in their action taken reply have stated as under:

“Regarding a Special NRI Matrimonial Law, the matter has been referred to the Legislative Department, Ministry of Law & Justice for action.

Regarding reciprocal bilateral treaties the matter is being pursued with Ministry of External Affairs (MEA).”

**63. The Committee find that the matter relating to Special NRI Matrimonial Law has simply been referred to the Ministry of Law & Justice. The Committee, however, feel that considering the need of the hour, the MOIA should actively follow the issues with the Ministry of Law & Justice to set a stage so that an appropriate Law comes into place. Simultaneously, sincere efforts should also be made to pursue the MEA to conclude reciprocal bilateral treaties especially with the countries with large number of Indians. The Committee desire to be updated on the further developments on both the issues on regular basis.**

**(Recommendation No. 26)**

64. The Committee had noted that few states facing problems of NRI marriages had made the registration of marriages compulsory. The Committee were 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 had introduced 'The Registration of Births and Deaths (Amendment) Bill, 2012' in Rajya Sabha. That amendment provided 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 would 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 would 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 would supplement the efforts of the State Governments. The Committee had, however, desired 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 had further desired 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 might certainly provide a documentary evidence and proof of her marriage on being abandoned. That 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.

65. The Ministry of Overseas Indian Affairs in their action taken reply have stated as under:

“This is being pursued actively with the State Governments and the Ministry of Home Affairs.”

**66. The Committee note that the MOIA has started pursuing the matter of compulsory registration of all NRI marriages with the State Governments and the Ministry of Home Affairs. Considering the gravity of the recommendation made by the Committee, the Ministry should play a proactive role in finalizing the provisions and starting the actual implementation thereof in all the States. The Committee wants to be apprised regularly on the developments made in this matter until it is put into practice by the State Governments under the Guidance of the Ministry of Home Affairs.**

**(Recommendation No. 27)**

67. The Committee had noted that India had become a party to the Hague Conference on Private International Law and was also a party to other conventions which facilitated to bridge the two legal systems to which the NRI husband and wife belonged by providing appropriate

civil procedure acceptable to both jurisdictions. MOIA had 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 those two conventions required necessary implementing legislations. The Committee had, therefore, strongly recommended 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 were cleared to become a party to these two Conventions.

68. The Ministry of Overseas Indian Affairs in their action taken reply have stated as under:  
"This Recommendation is under active consideration of Ministry of Women and Child Development."

**69. The Committee note that for clearing the decks to become a party to two important international Conventions named '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', the Ministry of Women and Child Development has been actively considering the preparation of necessary implementing legislations. But, it requires to be expedited because without implementing these legislations India will not become a party to these two important Conventions. The Committee, therefore, reiterate that MOIA should pursue the matter with Ministry of Women and Child Development and Ministry of Law & Justice vigorously so that the main hurdle in joining these Conventions is removed at the earliest. The Committee desire to be apprised of the developments taking place in this regard.**

## CHAPTER-II

### **RECOMMENDATIONS/OBSERVATIONS WHICH HAVE BEEN ACCEPTED BY THE GOVERNMENT**

#### **(Recommendation No.1)**

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.

#### **Reply of the Government**

The recommendation has been noted.

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## **(Recommendation No. 2)**

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.

### **Reply of the Government**

In compliance of the recommendation of the Committee, an Inter-ministerial Coordination Committee(IMCC) consisting of officials from M/o External Affairs , National Commission for Women, M/o Woman & Child Development, M/o Law & Justice and M/o Home Affairs was constituted on 21.8.2012.

First meeting of the IMCC was held on 10.9.2012 under the Chairmanship of the Secretary, MOIA and all the recommendations of the Parliamentary Standing Committee were



discussed in detail for their implementation. Next meeting to review the progress is scheduled for the end of February 2013.

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**(Recommendation No. 3)**

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 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.

**Reply of the Government**

The website of MOIA contains the relevant information on the scheme and assistance provided by MOIA. The information is updated from time to time.

In the 6<sup>th</sup> Annual Consultation meeting with State Governments held on 20-21 September 2012, the participating State Government officials were further sensitized and requested to upload the details of such grooms on their websites.

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### **(Recommendation No. 6)**

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.

### **Reply of the Government**

In compliance of this recommendation MOIA has organized two debates as follows:

(i) In association with Women's Studies and Development Centre, University of Delhi a debate was organized in the Shaheed Sukhdev College of Business Studies , University of Delhi on 24.9.2012;

(ii) In association with the Centre for Study of Indian Diaspora, University of Hyderabad, a debate was organized in the University of Hyderabad Campus on 6.10.2012.

Both these debates received enthusiastic response from the students in the two Universities and were also covered by the media. Thus the events succeeded in generating a lot of awareness.

Similarly, NCW organized a National Seminar in collaboration with Punjab Police to address the problems relating to NRI/Overseas marriages in Jalandhar, Punjab on 30<sup>th</sup> May 2012 wherein NCW publications in Punjabi language were widely circulated.

In an attempt to provide available legal and other remedies to Indian women trapped in such marriages NCW has published an informative booklet "Abandoned Indian Women Trapped in NRI Marriages" in English, Hindi and Punjabi.

NCW is making efforts to publish information brochure and booklets on the subject in regional languages of different states. NCW has written to the concerned State Governments to take the initiative to jointly publish it in the regional language of the concerned States. Kerala Police and Punjab police are circulating this informative brochure in the regional languages.

NCW has widely circulated its publications on NRI marriages namely "Nowhere Brides-A report on NRI Marriages"; "Problems relating to NRI Marriages-Dos and Don'ts"; and booklet "Abandoned Indian Women Trapped in NRI Marriages", in several workshops and seminars conducted by NCW all over the country.

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### **(Recommendation No. 7)**

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.

### **Reply of the Government**

The following recommendations of the Inter-Ministerial Committee set up in 2008 have already been implemented:

- (i) Enhancing the quantum of assistance under the Scheme for providing legal/financial assistance to Indian women deserted by their overseas spouses from US\$1000 in February, 2007 when the scheme was launched, to US\$1500 w.e.f. 5<sup>th</sup> October, 2009.
- (ii) National Commission for Women has been designated as the Coordinating agency at the national level to receive and process all complaints relating to Indian women deserted by their overseas Indian husbands.
- (iii) The Hon'ble Supreme Court in its judgement dated 14<sup>th</sup> February, 2006 in the case of Seema vs. Ashwani Kumar had directed that marriages of all persons who are citizens of India belonging to various religions should be made compulsorily registrable in their respective States.

Legislative Department has received compliance reports from 25 State Governments and 6 Union Territories in this regard.

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### **(Recommendation No. 16)**

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.

### **Reply of the Government**

Utilization of funds under the Scheme has already shown improvement as during the current financial year a sum of Rs 25 lakhs approximately has already been spent in first quarter of the year itself.

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### **(Recommendation No. 21)**

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.

### **Reply of the Government**

MOIA has provided Rs.75 lakhs for this Scheme in the current financial year and utilisation of funds under the Scheme has already shown improvement as a sum of Rs 25 lakhs approximately has already been spent in the first quarter of the year itself.

In addition to this, NCW has taken initiatives for more active linkage with NGOs and community organizations overseas that can extend help to deserted Indian women in foreign land.

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### **(Recommendation No. 22)**

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, Gujarati 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.

### **Reply of the Government**

In compliance of the Recommendation of the Committee, the Booklet on Marriages to Overseas Indians has been got translated into Malayalam and Tamil. This is now being updated before printing and distribution.

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### **(Recommendation No. 23)**

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.

### **Reply of the Government**

As already stated in reply to Recommendation No. 6, MOIA and NCW are organizing Seminars/Debates for awareness generation in Colleges on the “Pros and Cons of marrying an Overseas Indian” so that at that young age itself there is awareness among girls about the pluses and minuses, including the possible difficulties that can arise on account of various reasons such as misrepresentation of facts relating to the correct marital status of the potential groom, his correct profession, income etc., thereby helping the young girl students familiarize themselves with this issue.

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**CHAPTER-III**

**RECOMMENDATIONS/OBSERVATIONS WHICH THE COMMITTEE DO NOT  
DESIRE TO PURSUE IN VIEW OF THE GOVERNMENT'S REPLIES**

**NIL**



## **CHAPTER-IV**

### **RECOMMENDATIONS/OBSERVATIONS IN RESPECT OF WHICH REPLIES OF THE GOVERNMENT HAVE NOT BEEN ACCEPTED BY THE COMMITTEE AND REQUIRE REITERATION**

#### **(Recommendation No. 4)**

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 deplore the 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.

### **Reply of the Government**

Two Coordinators (one to look into complaints and other to look into related Policy matters), a Counselor, a Research Assistant and a typist are assigned to deal with the work of the NRI Cell of NCW.

In the NCW, 30 cases closed out of 813 cases received does not reflect that only 30 cases have been taken up out of 813 complaints received.

NRI Cell of NCW takes up 100% complaints registered with it and takes suitable action on each and every complaint registered. The complaints which have not been closed have been taken up for suitable action and are considered pending for various reasons.

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### **(Recommendation No. 5)**

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.

### **Reply of the Government**

As far as NCW's mandate is concerned, the Commission is a recommendatory body for matters pertaining to women's rights. Hence there are no schemes administered by NCW including any specific scheme to provide safe rehabilitation of women deserted by NRI husbands. As per its mandate NCW gives advice and recommendations to the Government on any policy or issue relating to the NRI marriages, as it does for other areas of concern.

Also in the NRI Cell of NCW there is a provision for a counselor who provides help in the form of pre-counselling to the prospective Indian bride marrying a NRI/PIO spouse or post-counselling to the deserted Indian women by NRI/Overseas spouses, when approached.

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### **(Recommendation No. 17)**

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.

### **Reply of the Government**

Presently 27 Indian Women's Organisations/Indian Community Associations/NGOs in 7 countries, namely, USA, Qatar, Australia, Canada, Bahrain, New Zealand, and UK are empanelled with Indian Missions / Posts abroad to provide legal/financial assistance to Indian women deserted by their overseas spouses.

Missions also provide crisis assistance and support to such Indian women in distress.

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### **(Recommendation No. 18)**

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.

### **Reply of the Government**

The recommendation has been noted.

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### **(Recommendation No. 20)**

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

### **Reply of the Government**

Details of empanelled NGOs are available on the website of MOIA. The website is updated regularly.

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## CHAPTER-V

### RECOMMENDATIONS/OBSERVATIONS IN RESPECT OF FINAL REPLIES OF THE GOVERNMENT ARE STILL AWAITED

#### **(Recommendation No.8)**

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.

#### **Reply of the Government**

As already stated, 25 State Governments and 6 Union Territories have reported that it is being done.

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#### **(Recommendation No. 9)**

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.

## **Reply of the Government**

Ministry of Overseas Indian Affairs (MOIA) is pursuing the matter with the Department of Justice, M/o Law and Justice.

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### **(Recommendation No. 10)**

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.

## **Reply of the Government**

MOIA has written to its Missions in these five countries to facilitate meetings with the concerned State Departments in these countries. Based on this proposal, dates for meeting were received from the Canadian Government. However as the dates proposed were falling during the Winter session of Parliament, alternate dates have been requested.

Our Missions in the other concerned countries are also being pursued for initiating consultations in this regard.

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### **(Recommendation No. 11)**

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.

### **Reply of the Government**

To update the Information Brochure, suggestions were sought from the concerned Ministries and Agencies.

In this regard reminder has been issued to concerned Ministries and the item will be further taken as agenda in the next Inter Ministerial Coordination Committee Meeting is being scheduled for the end of February 2013.

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### **(Recommendation No. 12)**

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.

### **Reply of the Government**

State Governments have been requested again in the 6<sup>th</sup> Annual Consultation Meeting with States Governments held in Delhi on 20<sup>th</sup> -21<sup>st</sup> September 2012, in Delhi.

This is being pursued actively with the State Governments.

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### **(Recommendation No. 13)**

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.

### **Reply of the Government**

It is relevant to state that even in the past, a team of MOIA officials had gone to USA for generating awareness and publicity about the launch of the scheme and consultations with NGOs/Women's Organizations for taking their views on addressing the problems of failed / fraudulent NRI Marriages.

In compliance of this recommendation, MOIA has again written to its Missions in these five countries to facilitate meetings with the concerned State Departments in these countries.

Based on this proposal, dates for meeting were also received from the Canadian Govt. However as the dates proposed were falling during the Winter session of Parliament, alternate dates have been requested.

Our Missions in other concerned countries are also being pursued for facilitating consultations in this regard,

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#### **(Recommendation No. 14)**

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.

### **Reply of the Government**

These have been reiterated to the State Governments in the 6<sup>th</sup> Annual Consultation Meeting with State Governments held on 20<sup>th</sup> -21<sup>st</sup> September 2012 in Delhi.

This is being pursued actively with the State Governments.

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**(Recommendation No.15)**

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.

**Reply of the Government**

The matter is being pursued with MEA.

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**(Recommendation No. 19)**

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.

**Reply of the Government**

This is being pursued with MEA.

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### **(Recommendation No. 24)**

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.

### **Reply of the Government**

MEA is being actively pursued in this regard.

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### **(Recommendation No. 25)**

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.

### **Reply of the Government**

Regarding a Special NRI Matrimonial Law, the matter has been referred to the Legislative Department, Ministry of Law & Justice for action.

Regarding reciprocal bilateral treaties the matter is being pursued with Ministry of External Affairs (MEA).

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### **(Recommendation No. 26)**

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.

### **Reply of the Government**

This is being pursued actively with the State Governments and the Ministry of Home Affairs.

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**(Recommendation No. 27)**

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.

**Reply of the Government**

This Recommendation is under active consideration of Ministry of Women and Child Development.

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**NEW DELHI**  
**09 May, 2013**  

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**19 Vaisakha, 1935 (Saka)**

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

**MINUTES OF THE TWENTY-FOURTH SITTING OF THE STANDING  
COMMITTEE ON EXTERNAL AFFAIRS HELD ON 9<sup>TH</sup> MAY, 2013**

**The Committee sat from 1500 hrs. to 1600 hrs. in Committee Room 'B',  
Parliament House Annexe, New Delhi.**

**PRESENT**

Shri Ananth Kumar – Chairman

**MEMBERS  
LOK SABHA**

2. Shri Sansuma Khunggur Bwiswmuthiary
3. Shri Bhudeo Choudhary
4. Shri Bhakta Charan Das
5. Shri Rajendrasinh Rana
6. Shri Francisco Sardinha
7. Dr. Bholu Singh
8. Dr. Girija Vyas
9. Shri Sultan Ahmed

**RAJYA SABHA**

10. Dr. Karan Singh

**SECRETARIAT**

1. Shri. U.S. Saxena - Joint Secretary
2. Dr. Ram Raj Rai - Director

2. At the outset, the Chairman welcomed Members to the sitting of the Committee.
3. The Committee then took up for consideration the draft Report on Action Taken by Government on the recommendations contained in the 15<sup>th</sup> Report (15<sup>th</sup> Lok Sabha) of 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”. The Chairman invited the Members to offer their suggestions, if any, for incorporation in the draft Report. The Members suggested some minor modifications.
4. The Committee then adopted the draft Report and authorized the Chairman to finalize the Action Taken 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.*

*(Vide Para 4 of Introduction of Report)*

**ANALYSIS OF ACTION TAKEN BY GOVERNMENT ON THE  
RECOMMENDATIONS/OBSERVATIONS CONTAINED IN THE THIRTEENTH  
REPORT OF THE STANDING COMMITTEE  
ON EXTERNAL AFFAIRS (15<sup>TH</sup> LOK SABHA)**

<b>(i)</b>	<b>Total Number of Recommendations</b>	<b>27</b>
<b>(ii)</b>	<b>Recommendations/Observations, which have been accepted by the Government.</b>	
	<b>Recommendation Nos.1,2,3,6,7,16,21,22,23</b>	
		<b>Total-09</b>
		<b>Percentage: 33.34%</b>
<b>(iii)</b>	<b>Recommendation/Observation which the Committee do not desire to pursue in view of the Government replies.</b>	
	<b>Recommendation Nos. - NIL</b>	
		<b>Total- 00</b>
		<b>Percentage: 0%</b>
<b>(iv)</b>	<b>Recommendation/Observation in respect of which reply of Government have not been accepted by the Committee and require reiteration.</b>	
	<b>Recommendation No. 4,5,17,18,20</b>	
		<b>Total- 05</b>
		<b>Percentage: 18.51%</b>
<b>(v)</b>	<b>Recommendations/Observations in respect of which final replies of Government are still awaited.</b>	
	<b>Recommendation Nos. – 8,9,10,11,12,13,14,15,19,24,25,26, 27</b>	
		<b>Total-13</b>
		<b>Percentage: 48.15%</b>