

# Report on National Consultation

Report on National Consultation on Marriages to Overseas Indians, Vigyan Bhavan, New Delhi (18<sup>th</sup> February, 2006)

Social Services Division  
Ministry of Overseas Indian Affairs

Ministry of Overseas Indian Affairs (MOIA) organized one day National Consultation on problems concerning marriages to overseas Indians. The purpose of the National Consultation was to take into account the perspectives of various stake holders and make use of their practical experience in finalizing a booklet for the guidance of women planning to get married to overseas Indians. The consultation was organized in five different sessions including inaugural session.

## **Inaugural Session (10.00-10.45)**

The chants of Saraswati Vandana initiated the proceedings of the inaugural session. Chairperson of National Commission for Women (NCW) Dr. Girija Vyas along with Honourable Minister of MOIA Vayalar Ravi and Secretary MOIA S. Krishna Kumar formally inaugurated the Consultation by lighting the auspicious lamp.

In his welcome address, Secretary, MOIA S. Krishna Kumar said that the ministry is only two years old and in its short span of functioning, it has taken note of the concern relating to marriages to overseas Indians. He talked about the progress made in this area and discussed about a booklet which is compiled by the ministry to raise awareness among the women and their families. He also highlighted the purpose of this meeting and said that this problem is multicausal and creating awareness about rights, responsibilities and obligations through education, publicity and sensitization is the main emphasis given by the ministry. Sri Kumar introduced about the contents and sessions of the consultation. Sri Kumar welcomed Chairperson, NCW Dr. Girija Vyas and Honourable Minister, MOIA, Sri Vayalar Ravi and all the delegates and media persons who were present in the consultation.

In her inaugural address Chairperson, NCW, Dr Girija Vyas congratulated the ministry for taking this important initiative. She said that the Indian Diaspora is very strong and they have links with India for many reasons, important one of which is marriage. She emphasized that women should not be treated as an object or a thing but as a human being. She said that for creating awareness among the people we should move towards the villages and gave the slogan

'chalo gaon ki ore'. She congratulated the honourable Supreme Court for the judgment on the 'compulsory registration of marriages' and said that this will help in tackling the cases of the fraudulent marriage. She mentioned few of the issues related to marriages to Overseas Indians which are:

1. Cultural shock
2. Generation gap
3. Dowry
4. Harassment after marriage
5. Concealment of earlier marriage(s)
6. Lack of social security on foreign soil etc.

She suggested an extensive awareness programme to counter all these problems. While talking about the booklet published by the ministry, she suggested that some important judgments by various courts relating to the marriages should be included in this booklet which will help in the awareness generation. She also advised the ministry for keeping a database on such marriages and verifying it with different agencies with the help of Ministry of External Affairs. Our missions abroad should also help in these issues. Besides, foreign embassies and consulates in India can also be involved in this process. She emphasized the need of counseling in such cases and said that MOIA should create a counseling centre where all the relevant information can be accessed.

She stressed the need to review the 'foreign marriages act' (1969), domestic violence act, property right act etc. in order to include the problems related to the marriages to Overseas Indians. She extended her full co-operation on behalf of the NCW to the initiative that ministry has taken. Awareness programs, she said, should be started at the earliest level on the priority basis in at least six-seven states (where the problem is acute). Programs like 'Pravasi Bhartiya Divas' will also help mitigate such problems.

In his presidential address, Honourable minister, MOIA, Sri Vayalar Ravi said that the purpose of this consultation is to interact and find out the maximum solution. Twenty first century is witnessing aggressive emergence of women power and in such a circumstance the fraudulent marriages to Overseas Indians pose problem. Civil Society must show awareness and react in a positive manner. He suggested that joint effort of different institution is needed to deal with this problem. The involvement of Panchayati Raj institution, which is the lowest level of governance, is also necessary in tackling this problem. Creating awareness among the civil societies and acting immediately is the need of the time. He also suggested that national attention should be brought into notice for any deceit or fraudulence. He too praised the judgment of the Supreme Court in regard to the compulsory registration of the marriages and said that law should be amended and the accused should be given stringent punishment. Citing few examples of the failed marriages, he said that girls should be encouraged to take part in the decision-making of their marriages. Our effort should be preventive so

that the case of fraudulent marriages can be avoided. He said that this effort of the MOIA is just beginning. Ministry proposes certain programs in this regard which are:

1. Constituting a gender cell in the ministry,
2. Establishing a Gender Advisory Group and
3. Establishing Overseas Indian Centres abroad.

He talked about establishing linkages between different state centres and overseas centres. While summing up his presidential address, he assured the gathering that this small beginning will become a big step in meeting the need of women in regard to the marriages to Overseas Indians.

### **Session I: Discussion on the Booklet (11.00-12.15)**

Chair : Prof. Lakshmi Jambholkar, ISIL

Key Discussant: Shruti Pandey, Human Rights Law Network

Sri S. Krishna Kumar, Secretary, MOIA gave the opening remarks about the session and requested Prof. Jambholkar to initiate the session. Prof. Jambholkar invited Shruti Pandey from Human Rights Law Network to give a brief introduction on 'a guidance Booklet' on Marriages to Overseas Indians published by MOIA.

Ms. Pandey initiated her talk by saying that the guidance booklet is a draft booklet and this consultation is to receive suggestions, comments and other inputs by which this booklet can be enriched and finalized and published for the awareness programme. She said that this is a mammoth issue and it has been unanimously agreed that the first step in this regard will be creating awareness. She said that the women who are residing in abroad are more vulnerable because she is more isolated there, if abused. She opined that there should be more legal input in the booklet.

She discussed in brief about the contents of the booklet and began by talking about the typologies of the abuse. Then she talked about the vigilance and precaution one should take before finalizing any proposal. This gives more of preventive tips. She stressed the need to verify the antecedents and documents of the man which is nicely put in the booklet and can be very useful. All this is to be done before marriage. At the time of marriage, the important dos should be to go for social marriage and publicize it besides the registration of the marriage. Affidavit from the man stating his present marital status must be taken. In the succeeding chapters, she discussed about the different legal, matrimonial and maintenance rights of the women. The booklet also discusses about the 'dowry deaths', other provisions of law related to the rights of NRI women recognized by Indian courts and notable judgments of Indian courts on the rights of NRI women. Booklet also discusses about the other support that can be of help abroad like

that of welfare officers of Indian embassies for assistance in emergency, local NGOs, women associations and help groups and local police or other help lines. Booklet also contains information about the Passport and Visas. Booklet also provides information regarding different help desk services like the officers dealing with problems related to Indian Women in Indian Embassies/ NGOs, addresses of some Indian Missions Abroad, list of some organizations/NGOs working in the field of Women's Rights in India and Contact addresses of Government of India Officers concerned with problems related to women. She ended her talk by saying that the main challenge is to disseminate all these information among masses and invited the suggestions and comments to refine the contents of the booklet. A teacher of psychology, Lady Sri Ram College, praising the booklet raised the issue of counseling and said that the booklet should include the counseling component related to language, culture, currency, social support etc. for the women.

Justice J.C. Sukumar, retired Judge, opined that historical perspective on marriage registration should be looked into and questioned the validity and efficacy of affidavit mentioned in the booklet. He narrated the experience of Kerala where literacy is almost universal, husbands generally are obedient and the institution of registration of marriage is already functioning and said that the example of Kerala can be emulated in the other parts of the country. Another delegate Mr. Jayaraj from ISIL appreciated the initiative of MOIA and gave few suggestions to be included in the booklet:

To incorporate the issues and the judgment given by different courts in simple language in the booklet,

Procedural rights should be added in a paragraph,

Legal mechanism to turn the table against husband,

India should also sign the Hague Convention and its relevant clauses should be mentioned in the booklet.

Ministry should work on collecting district wise data on NRI marriages and most prone districts should have a counseling and helpline centres on a priority basis.

Ms. Gurpreet, Dy. Secy., NCW, stressed on the role of passport officer and suggested that passport officer should be able to ask for reply and contact to the person living abroad. Renewal of passport should be done on the basis of just hearing of both husband and wife. She stressed to evolve a mechanism so that accused person can be deported to India. She suggested that the relevance and importance of section 3 of IPC (Indian Penal Code) should be included in the booklet.

Dr. Aggrawal appreciated the booklet but suggested that the booklet should have two parts – 1) marriages solemnized in India and 2) marriages solemnized in abroad. Because the rules and remedies available both in India and abroad are different. He also suggested that the section 13 and 27 of Foreign Marriage Act should be reviewed and highlighted in the booklet. Besides, he advised that Government of India to provide counselors abroad.

British Deputy High Commissioner Mr. Mark Runacres congratulated the overall initiative of the ministry which is just two years old. He also praised the structure of the booklet. He emphasised on the role of local police abroad and more information in this regard be put in the booklet. He also promised to give full support of the British local police. Praveen Walia suggested the ministry to provide the video conferencing facilities during the trial of marriage case.

Mr. Bipin Gopalkrishna, Home Secretary (PCAS), from Karnataka, suggested incorporating the Section 498 A of IPC and some related provisions of Domestic Violence Bill. Mr. Mehta stressed to keep the booklet as simple as possible. Mrs. Patra from New Jersey, USA also congratulated the MOIA for taking much desired initiative and said that there should be some provision of legal, funding assistance or monetary help for the isolated women who are abroad.

In response to all these suggestions and comments, Ms. Shruti Pandey thanked the delegates for providing useful suggestions and said that important judgments are already planned to be incorporated in the booklet. Besides, several illustrations are also planned to be included in the booklet. She said that it will remain a challenge before the ministry to make the booklet comprehensive but at the same time to keep it simple and fun to read. She accepted that the counseling is very important. She also accepted that the monetary fund be made available in such cases but it is not in the purview of the booklet.

On the Chair, Prof. Jambholkar said that the marriages for Indian women to Overseas Indians have been a scarification and a gateway to go abroad. She said that booklet is only a beginning. She also praised the compulsory registration of marriages but said that it will be a great challenge for the government to implement. She ended the session by saying that prevention is the best solution and it can only be possible by awareness and counseling.

## **Session II: Sensitization and Publicity**

Chair: Ranjini Sreekumar, Pr. Secretary, WCD, Govt. Of Karnataka

Key-Discussant: Abha Bhayya, JAGORI Discussant : Mark Runacres, Dy HC, British High Commission

Mr. S. Krishna Kumar in his opening remarks stressed the need of sensitization and publicity and requested the Chair to commence the proceedings of the session. Smt. Sreekumar invited Abha Bhayya to initiate the discussion.

Abha Bhayya congratulated the MOIA for taking much needed initiative. She mentioned that due to different reasons women related problem has become part of our cultural heritage. Female foeticide, dowry, lack of voice etc. have been persistently existed in the Indian society. For this she insisted for the need of a campaign mode which will empower women. She stressed the need to educate girls and their family and make them aware about their rights. Her main emphasis was on the preventive and precautionary measures which will avoid such cases to happen. She emphasise the need to identify some strategic lighthouses which will guide and help the women in need.

A delegate from the Australian High Commission praised the effort of MOIA and discussed the experience of Philippines and Australia in this regard. She suggested that these experiences should be studied in detail and can be emulated in Indian context. For instance, she said that Australian government gives provisional visa to the married couple and after two years it is extended only by verifying the successfulness of the marriage. She also mentioned that there are few public and private agencies in Australia which are helping the foreign women in Australia.

A delegate from the Canadian Counsel in Chandigarh too praised the effort of the ministry and hoped that this endeavour of the ministry will bring far reaching results in meeting the need of the women in need. Mr. Mark Runacres informed the gathering that in United Kingdom, strong activism is taking place on this issue. He suggested that the local police will be helpful in the sensitization process provided it is given the detailed legal information. Community leadership can also be useful in the sensitization programme. He promised the help of the UK government in this overall process.

Mr. Prabhakar D. Thomas Pr. Secretary, Andhra Pradesh, cited news in the local newspaper which has created significant awareness in regard to the marriages to overseas Indians. He then said that booklet may add some data revealing the fact of the fraudulent marriages which will generate a great sensitization among the masses. He also suggested incorporating some important cases in the booklet. He was of the view that some more contact addresses of other helpful agencies like that of counseling agencies, advocates etc. should be given space in the booklet.

Sri Sukumar stressed the need for the publicity of the booklet. Mr. Mehta pinpointed on how the parents are pushing the girls to marry NRIs and Overseas Indians and insisted that this aspect should also be taken into consideration in counseling, sensitization and publicity. Prof. Jambholkar was of the view that

family law should be added in the legal curriculum and lectures on family norms should also be taught.

Another delegate raised the concern that if the laws of other country is not conducive, then how to get the accused come back to India for the legal procedure. Parul was of the view that the issue should be included in the police training programs so that they can handle it in proper manner. Ravindra Garia advised that Ministry of External Affairs should appoint a person who will look into all these matters and his contact details be publicized.

Commenting on all these suggestions, Abha Bhayya said that a consortium of different organizations should be formed and can be very helpful. She also said that television serials on these issues in vernacular languages can be very helpful to sensitize the mass. She also suggested that some positive cases of such marriages should also be mentioned in the booklet.

The Chairperson Ms. Sreekumar, Pr. Secretary, highlighted the importance of the sensitization and publicity and said that sensitization process should be broad based and includes not only staffs of the Ministry of the External Affairs, but also schools, colleges, universities etc. She said that putting the information through certain websites which deals with the marriages can be of great help in the sensitization and publicity programs. She insisted on the role of counseling and said that there should be a nodal agency to handle these kinds of information. Universities should also open a nodal cell providing adequate information. Citing some cases, she stressed the need to sensitize the embassies abroad. She concluded the session by saying that we should learn the working of various foreign embassies in this regard and draw experiences from there.

### **Session III: Helplines & Support Networks (14.15-15.45)**

Chair: Vimla Mehra, Jt. Commissioner of Police, Delhi

Key Discussant: Nicole Menezes & Nishit Kumar, Childline

Discussants: Prabhakar d. Thomas, Pr. Secretary, Andhra Pradesh, Y. Viki Limaye-Davis, Immigrant Visa Chief, U.S. Embassy

The Chair invited Mr. Nishit Kumar to give his presentation on the working of the Childline International Foundation (CIF). Mr. Kumar began the session with the presentation of a documentary film on street and destitute children. The film showed how Team Childline comes to the help of these children with the support of the helpline number 1098. The CIF was started ten years ago as a project in Tata Institute of Social Sciences, Mumbai. Today it is spread in 68 cities, 21 states, 77 call centres, and have received 8.8 million calls till Oct. 2005. Twelve other countries have replicated this success. In India, this project has been taken

by the Ministry of Social Justice and Empowerment. The rationale of the foundation is to provide instant access and support. The CIF has an emergency reaction team which reaches the spot and reacts in 60 minutes. The Childline is a network of different agencies. CIF works as a nodal agency for all these agencies. The CIF structure consists of city advisory boards, collaborative organization, support organization, nodal organization and resource organization.

Ms.Y Viki Limaye-Davis was the next discussant who basically dealt with the legal processes that causes delay in the cases of marriages to overseas Indian. She also said that NGOs can be of some help in the matter of marriage feud. She stressed that the bride and groom should try to know and understand each other as more as possible before marriage.

Mr.Prabhakar D. Thomas, Pr. Secretary, Andhra Pradesh, suggested that we should initiate the dialogue between India and other countries in regard to marriages to overseas Indians. He added that the police station should have a special cell on women crime. He again emphasised the use of local media for publicizing the issues. The case of the dowry was brought into notice by him where he said that it causes the marriages to fall apart. It was suggested by him that the dowry should be made as an extraditable offence in abroad particularly in the gulf countries, so that the action can be taken against the accused. Further, he stated that the counseling support is lacking in the police department and advised that this should be added in their training programme.

Ms.Nicole Menezes from the Childline added in the discussion that there is a Swadhara Helpline functioning and suggested that it should be integrated with the Child helpline. A delegate from the U.S. embassy said that there are number of different laws and avenues available for women to go to U.S. for marriages or for tackling any misuse of marriage. He also added that there are number of NGOs and helpline working in the U.S.A. to give assistance in this regard. Mr. Mehta who works in the U.S. visa section pointed out that there are many instances when forged documents are produced and women herself try to dupe the officials in order to get the visa. So, he said that we should evolve mechanism to check such practices.

Smt. Vimla Mehra explained the functioning of the women helpline (1091) which is working in Delhi. She said that there are lady officers appointed in the women helpline cell and responds to the call immediately. She emphasized the role of awareness and education by citing some personal instances. She also expressed her willingness to share the experience of the women helpline with the ministry.

#### **Session IV :Follow up Action (16.00-17.30)**

Chair: Vayalar Ravi, Minister, MOIA

Key Discussant: S. Krishna Kumar, Secretary, MOIA

Discussant: C. Govindaraj, ISIL, Sandhya Shukla, Director, MOIA

Respected Chair requested Mr. S. Krishna Kumar to begin the discussion on the follow up action planned by the ministry. Mr. Kumar presented issues and a detailed follow up action plan in regard to the booklet, its publication and sensitization, on Helplines and support network and on other initiatives.

On Booklet, he said, the ministry has planned to finalize the booklet by adding suggestions and publish its vernacular editions. On distribution, the ministry proposes to use multiple channels. Pamphlet version of the booklet will also be published and distributed in large numbers at important places. It is also planned that wider distribution will be done at public offices, airports, travel agencies, colleges, etc. Ministry will identify thru' State Governments channel partners like travel agents, NGOs, colleges, doctors, etc. for distribution of the booklet and pamphlets. Ministry is also planning to make use of the professional agencies to prepare pamphlet or graphic version of it for easy use.

On Sensitization and Publicity, the ministry identifies following issues:

- For greater effectiveness, publicity/awareness creation must precede launch of Booklet or at the minimum, be done simultaneously
- As this is a social and personal issue, both formal and informal channels and various forms of media must be used
- Need to involve professionals, women's organizations and Govt. agencies
- Need to dovetail this into other efforts to reach out to women

On these issues, the proposed action plan by the ministry is to get professional agency to develop and manage the campaign, selecting State to launch pilot sensitization campaign and discuss and finalize details with the State agencies. The planned time line for this is 31<sup>st</sup> October 2006.

On Helplines and Support Networks, the ministry identifies the following issues:

- Review experience of setting up & running help lines
- Front-ends & Back-ends
- Apex entity to anchor the effort
- Help lines/networks abroad
- Leverage existing networks

- Set up exclusive help line

The third and sixth issues have still not been finalized by the ministry. And for all these issues the ministry proposes to have an options study carried out, to identify resource institutions in India and abroad, to start pilot project in a district/State in India and a country abroad (to be finalized) and to review pilot and develop roll out plan. And the time line for pilot project is 31<sup>st</sup> January, 2007. The Other Initiatives proposed by the ministry include setting up a Gender Cell in MOIA, setting up a community/exchange of persons interested in these issues with the support of UNDP and publish the reports produced by ISIL and follow up. The proposed timeline for this is 30<sup>th</sup> June 2006. After completing his presentation, Mr. Kumar invited the suggestions and comments on the issues and proposed action plans.

Mr. Hemant Sinha, Special Secy., Social Welfare Deptt., Tamil Nadu suggested to include the cable television programmes for the sensitization and publicity. He also said that 'catchy slogans' can also be very useful in this regard. A delegate from Lady Sri Ram College said that a marriage counseling booklet should come out. She opined that there should be provision of pre-marital counseling before registration of marriages. A delegate from the U.S. Embassy said that the booklet should also be distributed to all the passport and marriage registration offices. Besides, it should also be given to all the embassies.

Prof. C. Govindaraj also discussed the issue and said that there are very few occasions when cases of marriages came before the apex court. He commented that the legislative responsibility in this regard is lacking and advised that we should amend our domestic laws including the procedural laws to facilitate the proceedings related to marriage. He suggested to strengthen Section 3 of the IPC and also advised that we should become a party of the Hague convention. In his view, bilateral and multilateral agreement with many countries will be having far reaching outcome. He advocated for the obligatory affidavit at the time of marriage stating about the previous marriage position of the bride. He suggested for family courts and alternative dispute resolution (ADS). He also talked about Section 18 of C.P.C.

Prof. Jambholkar added that NCW report should also be considered in this context and suggested to amend C.P.C. and Section 23 of the Hindu Marriage Act. Sri Sukumar too added a point that the legal remembrance is important in the matter of sensitization. While citing some cases from Bangladesh and Pakistan, she talked about the role of community mediation in this regard.

Sri Vayalar Ravi too praised the role of the family courts. He finally, expressed his satisfaction with the day long consultation and said that important suggestions were made by this consultation. He also drew the attention of the gathering on the marriages done through chatting and said that effective

mechanism should be evolved to tackle such cases. He emphasized the role of education in tackling such cases. He welcomed the independent views of the girls which are coming up in this regard. New generation should be encouraged in the process of decision-making related to marriage and parents should respect the opinion of the girls in this regard. Finally, he said that the biggest advantage of this consultation is that throughout the country people will see and understand this problem with the help of the media which has covered the entire proceedings.

Key person to contact for further details on the National Consultation:

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