

## **REPORT ON THE WORKSHOP REGARDING “PROBLEMS RELATING TO NRI MARRIAGES AND SUGGESTED MEASURES” IN CHANDIGARH ON 20TH AND 21ST JUNE 2006.**

The Ministry organized in partnership with NCW a Regional Workshop on “Problems relating to NRI Marriages and suggested Measures” in Chandigarh on 20<sup>th</sup> and 21<sup>st</sup> of June 2006.

The workshop was attended by representatives from Ministry of Overseas Indian Affairs (MOIA), Ministry of External Affairs (MEA), NCW, legal experts, media and NGOs.

The first day revolved around panel discussions on international conventions and bilateral treaties, issues in relation to exparte decrees in foreign courts and review of the existing legislation/ enactments. Besides there were 3 working groups on 1) International Conventions and bilateral treaties issue relating to ex parte decrees, 2) need for a comprehensive legislation on NRI marriages and 3) strategies in tackling violations/crating social awareness, counseling and implementation of safeguards, Institutional and other arrangements. The groups included representatives from MOIA, MEA, NCW, legal experts and NGOs. MOIA’s team in the working groups and panel discussions was headed by the Director, Social Services Ms. Sandhya Shukla. The 2<sup>nd</sup> day started with presentation by the victims and a research paper. The main point raised by the victims was the utter lack of sensitization in the police to understand their problems. The need of sensitization of various authorities in foreign land as well as locally was doubly emphasized. This was followed by the speeches of various dignitaries.

The National Commission for Women Chairperson, Ms. Girija Vyas, stressed the need for enacting a comprehensive legislation within the framework of Indian laws to tackle the problems related to NRI marriages and for an awareness campaign to educate the people in this direction. She disclosed that the problems related to NRI marriages could not be tackled effectively for lack of treaties with various countries. She stated that all certificates for NRI marriages be issued in duplicate and must compulsorily include the social security number of husband. The Commission will demand the creating of exclusive cells in every Indian High Commission and embassy to provide legal assistance and monetary support to abandoned brides in the countries of residence of their absconding spouses. Three more such workshops would be organized in Kerala, Andhra Pradesh and Delhi in the near future.

Haryana Chief Minister Bhupinder Singh Hooda on Wednesday said that the

problems relating to marriages with Non-Resident Indians could not be solved only through legislation but also by creating an awakening and changing the mind-set of the people. As compared to Haryana, the problem in neighbouring Punjab was alarming where 15, 000 such cases were said to be registered.

Haryana Health Minister Ms. Kartari Devi, Punjab Revenue Minister and for NRI affairs Mr. Amarjeet Singh Samra, Punjab Women and Child Development Minister Ms. Gurkanwar Kaur, former Union Minister Mr. Balwant Singh Romoowalia, Punjab Women Commission Chairperson Ms. Parminder Kaur and Secretary of Union Ministry of Overseas Indian Affairs, Mr. Nirmal Singh, also spoke.

The Secretary, MOIA Mr. Nirmal Singh stated that the Ministry has been considering this issue very seriously and the Minister has directed the Ministry to launch an awareness programme regarding this. The Ministry is also considering a proposal for establishing Overseas Indian Centres in USA, Gulf and Malaysia to start with, for these are the places where there is a significant Indian population. Besides other things, these Centres will also extend counseling facilities with the help of professional counselors to those who face the problem of fake/fraudulent/failed marriages. The State Governments may also launch a wide publicity campaign through various channels to educate the rural peasantry. NGOs can also play a very active role in educating the people regarding the risk they are taking if they enter into such alliances without proper verification. It may also be desirable to explore the possibility whether the legal aid societies could assist these families to get their disputes resolved amicably so that they are not further financially adversely affected and NRI who had duped them are legally prosecuted as per the law.

The suggestions emerged from the discussions are as follows:

- **There is an urgent need to comprehensively and extensively examine the International Conventions which have relevance and importance for the issues relating to NRI Marriages. These conventions are as under.**
  - **Convention on the service abroad of judicial and extrajudicial documents in civil or criminal matters, 1965 (Service Convention)**
  - **Convention on the recognition of divorce and legal separation 1970**
  - **Convention on the laws applicable to maintenance obligation, 1973**

- Convention on celebration and recognition of validity of marriage, 1968**
- Convention on the civil aspects of international child abduction, 1980**
- Convention of Jurisdiction, Applicable Law, Recognition, Enforcement and Cooperation in respect of parental responsibility and measures for the protection of the children 1996**
- Review the existing laws and strengthen their scope and provisions to specifically cover situations within NRI Marriages, especially the Passport Act (special provision for cancellation of passport of offending NRI spouse, also include more detailed particulars of spouse in passports apart from attaching photograph) extradition act incorporating the typical offences in NRI Marriages like fraud, dowry, matrimonial cruelty, IPC (recognizing offences) Cr. PC and CPC, citizenship act.**
- Punishment for Munda Passport, there should be penal provision for fraudulent grants of passports by recruitment agencies in connivance.**
- Make registration of marriage compulsory while also making the procedure simpler, affordable and accessible. Marriage certificate for NRI Marriages should be issued in duplicate copies and must carry social security number of NRI spouse.**
- Outside India, involve Indian Embassies to provide crisis assistance and response as well as all other support like shelter, police protection to wife providing monetary assistance etc.**
- CARA like statutory agency to be created to take up the matter which cannot be taken up by the law, do things in terms of awareness.**
- Implementation of safeguards and social measures need to be addressed earnestly. Following three areas are relevant:**
  - Creating social awareness**
  - Counselling and**
- Tackling violations and implementations of safeguards, institutional and other arrangements.**
- Media and websites could be used for the purpose of creating awareness. There could be TV serials/programmes relating to NRI Marriages.**

Included among the list of suggestions are that all certificates for NRI marriages

be issued in duplicate and must compulsorily include the social security number of the spouse and the creation of exclusive cells in every Indian High Commission and embassy to provide legal assistance in the countries of residence of their absconding spouses.



***Dr. Girija Vyas, Chairperson, National Commission for women, addressing the regional workshop on problems relating to NRI Marriages held at Chandigarh***



Shri Bhupinder Singh Hooda, Hon'ble Chief Minister Haryana addressing the delegates at the regional workshop at Chandigarh