

## **Press Release**

The National Commission for Women in co-ordination with the Ministry of Overseas Indian Affairs is organizing a National Seminar on “Issues relating to NRI Marriages” on 15<sup>th</sup> February, 2011, at Vigyan Bhawan, New Delhi. Shri Vayalar Ravi, Hon’ble Minister OIA & Civil Aviation will be the Chief Guest. Smt. Krishna Tirath, Hon’ble MOS (I&C) Women & Child Development will inaugurate and Dr. Girija Vyas, Chairperson, National Commission for Women would preside over the seminar.

The Inaugural Session will be followed by a panel discussion on problems of NRI marriages and inadequacy of existing legislation and enactments. There will be a panel discussion on social impact of desertions/divorce and support systems for victims of NRI marriages. Senior Officers from related Ministries of External Affairs, Home Affairs, Legal & Legislative Departments, NHRC as well as academicians, lawyers and social service organizations closely connected with such issues will be attending the seminar and participating in the deliberations.

The issues for consideration are as follows:

### **1. International Protocol and jurisdiction issues.**

There is a need to provide for the following:

- Simplification of procedure for quick issuance of visa by foreign Missions in India to deserted women to enable them to contest the proceedings filed by NRI / PIO husband in a foreign land.
- Introduction of a system of cross check / consent, when a NRI/PIO husband wants to cancel sponsorship of his spouse’s visa. Cancellation should not be permitted as long as dependency of the aggrieved women continues as per Indian law so as to enable her to continue to stay and contest proceedings in the foreign land without being deported and thus deprived of the opportunity to contest the case.

- Grant of *ex-parte* divorce by foreign courts be barred in the case of marriages solemnized in India as per Indian law.
- Procedural delay/low priority to issue LOC/RCN against accused NRI/PIO husband in cases of marital discord needs to be addressed.
- Cases of domestic discord to be included in the scope of extradition treaties. (219<sup>th</sup> Report of the Law Commission recommends inclusion of cases of domestic discord within their scope).
- Difficulty and consequent delay in serving judicial processes issued by Indian courts through the Indian Missions abroad to be addressed.
- Simplification of procedure to facilitate extradition/deportation of errant husband and cancellation of passport to face civil/criminal trial in India especially if judicial processes of Indian courts are not responded to.
- Need to develop mechanisms to enable quick tracking of NRIs/PIOs in case of desertion. Funds may also need to be allocated for location of such persons through agencies available for the purposes.
- Recognition of NCW as an authorized body to directly make applications before foreign courts and foreign missions on behalf of aggrieved women where so required.

## **2. Interventions by Central Government**

- (a) Role of National Commission for Women, Ministry of Overseas Indian Affairs, Ministry of Women & Child Development and Ministry of External Affairs and need for Inter-Ministerial Coordination Committee.
- (b) Review of Scheme for providing legal//financial help to the deserted women in foreign lands.

The scope of the scheme needs to be widened to include: -

Marriages involving Indian women solemnized abroad

Deserted Indian women having a foreign spouse

Quantum of assistance needs to be increased to be commensurate with legal costs in concerned country.

Simplification of procedure required for release of assistance. In case NGOs have not been empanelled, assistance may be released directly to the victim or her authorized representative.

(c) Need for setting up complaint and counselling desks in Indian Missions abroad with professional counselling to help the victim especially in countries where there is a higher incidence of such cases.

### **3. Role of State Governments:**

- Building awareness
- Designating nodal officers/department for dealing with NRI issues.
- Sensitization of police and authorities for registration of FIR & other NRI issues.

### **4. Role of NGOs and Civil Society in India & Overseas.**

- Building awareness.
- Identification of appropriate NGOs and community organizations overseas.
- Identification of legal experts willing to work on pro bono (voluntary) basis overseas.
- Mechanism for regular interaction/Consultation with NGOs working overseas & in India.
- Provision of Shelter homes & support systems.

### **5. Role of Media**

- Building awareness
- Showcasing specific interventions.