

Minutes of the Inter-Ministerial Meeting

**Venue : Committee Room, Ministry of Overseas
Indian Affairs, Akbar Bhawan**

Date of Meeting : Monday 7th July, 2008

Time of Meeting: 3 P.M.

Minutes of the Inter-Ministerial meeting to discuss and adopt the recommendations of the inter-ministerial sub-committee on “problems related to marriages of Indian women with overseas Indians”

An inter-Ministerial meeting with the participation of Hon’ble Minister Ministry for Overseas Indian Affairs (MOIA) Shri Vayalar Ravi and Smt. Renuka Chowdhury, Hon’ble Minister of State for Women and Child Development was held on 7th July 2008 (MOIA) to discuss the recommendations of the inter-ministerial sub-committee appointed to study problems related to marriages of Indian women with overseas Indians. The list of participants is appended.

The inter-ministerial sub-committee with Secretary, MOIA as Chairman and with representatives from the Ministry of Home Affairs, Ministry of External Affairs, Ministry of Women & Child Development, Ministry of Law & Justice, National Commission for Women, National Human Rights Commission and State Governments of Punjab and Andhra Pradesh as Members had been set up on 4th May 2007 with the mandate to study the problems faced by Indian women deserted by their overseas Indian spouses and give their recommendations on this matter. The recommendations of the sub-committee were placed before the Inter-Ministerial meeting for discussion and acceptance.

The following decisions were taken:

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

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

- 2.) There was agreement over the sub-committee's recommendation that:

- (a) Litigations related to overseas Indian marriages should be taken up by fast track courts. It was felt that instead of building up a new system for these courts, this should be brought within the scope of the existing family courts. (Action: State /UT Governments, Ministry of Law and Justice, Ministry of Women and Child Development).

- (b) Efforts may be made to let the family courts clear the pending cases early and a mechanism may be put in place for regular monitoring of such cases. (Action: State /UT Governments, Ministry of Law and Justice, Ministry of Women and Child Development).

- 3.) There was agreement over the sub-committee's recommendation that provisions on serving of notices, summons, and enforcement of maintenance orders be made

part of the mutual legal assistance treaties (MLAT) especially with USA, UK, Canada, Australia and New Zealand where problem of desertion of Indian women by overseas Indians is acute. (Action: Ministry of Law and Justice, Ministry of External Affairs, Ministry of Overseas Indian Affairs).

- 4.) There was agreement over the sub-committee's recommendation that whenever there is an ongoing litigation in a foreign court, the Indian bride's case should not go unrepresented. MOIA's Scheme to assist Indian women in defending their cases abroad was appreciated. However, it was felt that the amount being sanctioned per case by MOIA i.e. US \$1,000/ was grossly inadequate and should be enhanced substantially. The possibility of creating a flexi-fund may also be explored by pooling of money by Indian Associations. A matching grant from the government could be considered. (Action: Ministry of Overseas Indian Affairs, Ministry of External Affairs, Indian Missions/Posts abroad).
- 5.) It was agreed that a vigorous information campaign was necessary at all levels using the media and NGOs to educate prospective brides and their families to take possible precautions before entering into marriage alliance with overseas Indians. The information campaign launched by MOIA was appreciated and it was decided that the campaign needs to be continued. (Action: Ministry of Overseas Indian Affairs, Ministry of Women and Child Development, National Commission for Women, State/UT Governments).
- 6.) It was agreed that information brochure may be prepared by experts having knowledge of Private International Law on the working of the relevant Hague Conventions and procedures that is to be followed by the general public regarding serving of notices, summons etc. to parties staying abroad. Thereafter, a campaign may be launched to make the general public as also the concerned officers aware of these provisions. (Action: Ministry of Law and Justice,

Ministry of Women and Child Development, National Commission for Women).

- 7.) There was agreement over the sub-committee's recommendation that states/Union Territories should pass on information regarding court orders against accused NRIs to Emigration Authorities to prevent such people from leaving India against court orders. (Action: Ministry of Home Affairs, State/UT Governments).
- 8.) It was agreed that appropriate instructions may be issued by the Ministry of Home Affairs to the States/Union Territories to ensure that FIRs in such marriage disputes/problems are registered without any delay. (Action: Ministry of Home Affairs, State/UT Governments).
- 9.) There was agreement over the sub-committee's recommendation that appropriate bilateral agreements may be considered with foreign countries with a view to protect the interests of Indian women victims of overseas Indian marriages.

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

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

- (i) Recommendation made by the Parliamentary Committee on Empowerment of Women to evolve a well defined/coordinated mechanism among all the concerned agencies to deal with the issue of

problematic NRI marriages and to enable the aggrieved women to get a respectable solution to the problems - It was decided that the National Commission for Women will, henceforth, be the coordinating agency at the national level to receive and process all the complaints related to deserted Indian women by overseas Indians.

- (ii) Recommendation from the Parliamentary Standing Committee that prospective bridegroom be made to give an affidavit to the effect that he is not married, and the affidavit must be notarised by the respective consulate/embassy – It was felt that, besides being discriminatory, it may not be practical to seek such an affidavit at the time of registration of marriages, after the marriage has already taken place.

The meeting ended with thanks to the chair.

APPENDIX

List of Participants:

1. **Shri Vayalar Ravi, Hon'ble Minister for Overseas Indian Affairs**
2. **Smt. Renuka Chowdhury, Hon'ble Minister Of State for Women and Child Development**
3. **Shri K. Mohandas, Secretary, Ministry of Overseas Indian Affairs**
4. **Shri Sharat Sabharwal, Special Secretary, Ministry of External Affairs**
5. **Shri S. Chatterjee, Member Secretary, National Commission for Women**
6. **Shri A.E. Ahmad, Additional Secretary, Ministry of Home Affairs**
7. **Shri D.N. Srivastava, Joint Secretary (DS) , Ministry of Overseas Indian Affairs**
8. **Dr.(Mrs) Kiran Chadha, Joint Secretary, Ministry of Women & Child Development**

9. **Shri K.J.S. Sodhi, Joint Secretary (CPV-II), Ministry of External Affairs**
10. **Shri Ohm Prakash, PS to Hon'ble Minister for Overseas Indian Affairs**
11. **Ms. Sandhya Shukla, Director (DS), Ministry of Overseas Indian Affairs**
12. **Shri B.V. Gopinath, Director Foreigners Division, Ministry of Home Affairs**
13. **Shri S.R.M. Murthy, Director , National Human Rights Commission**
14. **Shri T.M. Pavalan, Legal officer (Grade II), Ministry of External Affairs**
15. **Shri M.S. Tariq, Assistant Legal adviser, Ministry of Law and Justice, Department of Legal Affairs**
16. **Ms Bhavana Kumar, Coordinator, National Commission for Women**
17. **Ms. Lilabali, Coordinator, National Commission for Women**
18. **Ms. Aditi Sharma, Research Officer, National Human Rights Commission**