

NATIONAL COMMISSION FOR WOMEN

Press Note

on

One Day Consultation on “Standard Operating Procedures (SOPs) for Women involved in NRI Matrimonial Disputes”

on 26th May, 2017

Held at Conference Hall No. 2, Indian International Centre, New Delhi

National Commission for Women (NCW) is mandated under the National Commission for Women Act, 1990 to, inter-alia, monitor the proper implementation of all the legislations made to protect the rights of women so as to enable them to achieve equality in all spheres of life and equal participation in the development of the nation.

NCW has also been nominated as the Coordinating agency at the National level for dealing with issues pertaining NRI marriages by Ministry of External Affairs. The NRI Cell of the Commission has been working ceaselessly to raise awareness on the issues faced by women deserted in after Matrimonial Disputes in NRI Marriages.

Women who have been deserted by their NRI husbands have a long and arduous struggle ahead of them which is further exacerbated by lack of knowledge regarding the various avenues of relief available to them.

Recognizing the severity of the problems faced by women deserted in NRI marriages, the Ministry of Women and Child Development instituted an inter-ministerial Committee to examine the issue. The inter-ministerial Committee has drafted a Standard Operating Procedures (SOPs) and sought the opinion of the Commission regarding the same.

The Commission organized a Consultation with various stake holders to achieve a consensus regarding the procedure to be adopted while dealing with cases related to NRI Matrimonial Disputes on 26th May 2017 under the guidance of Hon'ble Chairperson Smt. Lalitha Kumarmangalam. In the consultation Members of the Commission Smt. Rekha Sharma, Ms. Sushma Sahu, Sh. Alok Rawat chaired the different sessions of discussion highlighting the various issues involved in the NRI matrimonial disputes and the possible assistance that can be more effectively provided through available civil and criminal remedies under Indian legal system and schemes or guidelines available covered in the draft SoPs.

The Consultation was attended by representatives from Judicial Services, MWCD, MEA, MHA, MoLJ, State Women Commissions, State Police Authorities, NCPCR, Legal Experts in the field.

Many relevant suggestions emerged from the Consultation such as:-

1. Utilization of more tech savvy means for service of summons or warrants such as service vide emails and taking statements through video conferencing
2. Utilizing the employer address for service of judicial documents/summons etc. as employment is more stable in comparison to place of residence.
3. Request for Impounding of passport can be made to the concerned RPO even at the stage when challan is not filed in the court and the investigation is pending
4. Compulsory registration of marriage need to be mandated State Law incorporating other necessary details like passport no., Social Security no, employment status etc. As reported Gujarat State and Punjab State have already implemented this.
5. SoPs need to incorporate relevant legal avenues available for recognizing for Indian court decrees abroad and vice versa Foreign court decrees in India.
6. MEA under its Scheme for providing legal and financial assistance overseas also should consider the situations where the deserted woman is in India, and NRI husband has filed for divorce or custody case overseas.

These suggestions will be incorporated in the Commission's Report to the Ministry of Women and Child Development.