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NRI CELL

The NRI Cell deals with complaints received from India and abroad resulting due to cross country marriages wherein there is any deprivation of women's rights or any issue involving grave injustice to women. A lot of Indian women are being deserted by their husbands-Non Residents Indians (NRI's) and People of Indian Origin (PIO's). The unsuspecting wives are either left in India with a fake promise of being taken later or taken to the country of the husband and in several cases subjected to cruelty, mental torture, physical and sexual harassment. In many other cases, the husband is found to be already married or a fugitive or an illegal migrant himself. This issue acquired alarming proportion lately and the wives in foreign land found themselves helpless in absence of any local support. National Commission for Woman was nominated as the Coordinating agency at the National level for dealing with issues pertaining NRI marriages by Government of India vide Ministry of Overseas Indian Affairs order dated 28th April, 2009. In furtherance of this, the NRI Cell was formally inaugurated on the 24th of September, 2009, attended by Ms. Anne F. Stenhammer, Regional Programme Director of UNIFEM, and South-East Asia Sub-Regional Office.

Functioning of the NRI Cell

The function of the NRI Cell broadly consists of the following:-

- a) It is a coordinating agency to receive and process all the complaints related to Indian Women deserted by their Overseas Indian husbands.
- b) It renders all possible assistance to the complaints including conciliation, mediation between the parties and advising the complainant on related issues.
- c) Associating, networking with NGO's, community organizations in India and abroad and State women Commissions for wider area coverage, so as to facilitate easy reach and provide support services
- d) It endeavors toward a coordinated response amongst various Government agencies/ organizations such as State Governments, The National Human Rights Commission, Indian Embassies and Mission, concerned Ministries etc.
- e) Providing assistance to the aggrieved woman in litigation and other issues pertaining to the complainant/case.
- f) Maintaining a data bank record of cases registered
- g) Seeking reports from the State Government and other authorities on the complaints filed and action taken thereon.
- h) Advising and recommending the government on any policy or issue relating to the NRI marriages.

- i) Analyzing various legal treaties on the issue and advising the Government on the subject, wherever required.
- j) Constituting an Advisory Committee panel of reputed advocates/NGOs, both in India as well as abroad which shall periodically review the functioning of the cell, cases filed and policy issues.
- k) Carrying out awareness campaigns for the masses on the issue. For this, all the available media services would be utilized by the Cell.
- l) Encouraging /supporting research and study in the related field like issues of grievances associated with dual citizenship, enactment of new legislation or signing of international treaties, marriage laws of other countries, etc.
- m) Regulating its own procedures in accordance with the National Commission for Women Act 1990
- n) Performing any other function as assigned to it by the Commission/Central Government.

Receipt and Registration of Complaint:

The NRI Cell receives complaint from Indian women, both India and abroad. Since its inception in 2009 till 31st March, 2010, approximately 200 cases have been received. The complaints are received by post, on line and by email. The online complaint registration system is a facility incorporated for the speedy and easy registering of complaints through the Commission's website i.e. www.ncw.nic.in and also through the email of NRI Cell, nri-ncw@nic.in. This has resulted in speedier registration and

providing registration acknowledgement to the complainants at much less costs without difficulty. Anyone can log on to the said site from any part of India/ world and register his/her complaint. If the complainant wants to know about the progress of the case, he/she may simply log in to the site and after typing their case number and relevant password, get the details of the action taken in the matter and also the progress of the case.

Examination of the Complaint

The complainants in most cases are victims of proceedings of Exparte divorces being initiated against them, complainants stranded in India due to their passports being in the custody of the husband or In-laws, financial constraints in taking up their cases abroad, failure to bring the opposite party to fight the cases in India, non service of summons, implementation of decrees and orders passed in India to parties abroad etc.

Subsequent upon registration of the complaint, process is initiated for verification of the complaint so as to ascertain the veracity of the same and may seek further information from the parties if so considered necessary. Notices are sent to the opposite parties for reply, Action Taken Reports (ATRs) are sought from the relevant Police Station in cases where the Complaints have been made to them or FIR's have been registered. In cases where it appears relevant for the Embassies or Consulates to take action letters are forwarded for appropriate action. Counseling services is provided to the aggrieved wherein she is told about the status of law and various options available to her.

Research of relevant laws and Conventions in NRI matters is done in order to look into the influence of laws of different countries in resolving an issue in India. India has signed Mutual Legal Assistance Treaties in Civil Matter with three countries while with 22 countries, India has signed Mutual Legal Assistance Treaties in Criminal matters. Impact of such treaties signed in NRI marriage issues is a field of vast research.

Achievements of NRI Cell

The main points of relevance and achievements of the NRI Cell are:

- 1) The complaints are attended to in co-ordination with concerned Embassies/ Consulates/ Ministries and public authorities, who also respond.
- 2) Ministry of Law and Justice is being approached for execution of warrants of arrest or orders given by Indian courts.
- 3) The issue of feasibility of dual passport to women who marry NRIs/PIOs was taken up with Ministry of External Affairs and Ministry of Law and Justice. However under existing Passport Act, 1967 the same is not feasible, the MEA has assured the following:
 - i) If a wife is harassed and deserted and is without her passport and if the original passport is valid and the husband has that in his custody, she can make an application to the Passport Office and a new passport will be given after verifying passport particulars from original Passport issuing authority, in case she does not have any record or photocopy of her old passport.
 - ii) If the wife has the photocopy and record of the old passport, a new passport will be issued fairly fast after canceling the old one in the system. Registration of FIR is not essential in such cases.
 - iii) In case she is on a dependent visa, and the visa has been cancelled, the matter will have to be taken up with the concerned country.
 - iv) In case Non Bailable Warrants (NBWs) have been issued, application may be made directly to the Passport Authority for revocation of the passport of the person against whom such Non Bailable Warrants have been issued, since it is a discretionary power of the Passport Office.
- 4) Action Taken Report received from Police Authorities, relating the action taken or the reason for inaction in respect to respective complaints.
- 5) Ministry of Law and Justice are given approx. 100 copies of Brochure of Dos and Donts for onward submission to all State Governments.
- 6) Maintaining a data bank record of cases registered for further references and guidelines.