

1. NRI Bill 2019- A Boon for Honeymoon Brides in India

Dr. Ujwala Bendale

Department of Law,
BVDU New Law College,
Pune.

1.1 Introduction:

Marriage is a social institution and right to marry is integral part of right to life under Article 21 of Indian Constitution. The Human rights charter also enumerates the right to marriage within the meaning of the right to start a family.

Earlier in India marriages were between same and known communities, localities or intra states but with change of times Families choose to have inter caste, inter religion marriages within India. But due to globalization families from India migrated abroad and got branded as tycoons/ NRIs.

Though migrated abroad most of them preferred/ prefer marriages in India especially Indian origin grooms desire to marry Indian brides.

This Chapter is an attempt to exhibit the outcome of such marriages which have paved the way for introduction of NRI Bill in the Rajya Sabha. Further few guidelines and cautions are enumerated for the prospective brides to marry NRI grooms.

This Chapter focuses on hardships the faced by the abandoned brides as to their Stridhan, stigmatization in society, orders from foreign courts and there implementations, passive approach of foreign embassies and police in India and upbringing of kids. This Chapter is to pen down the marital problems of middle-class women/girls married hurriedly to NRIs and labeled as 'honeymoon bride'.

1.2 Hardships Faced by Honeymoon Brides:

Most of the parents in India having daughters are in dire hurry to get the daughters married and marrying their daughter to a NRI boy is a status symbol in India. Most of the time the parents, relatives and the bride are lured by the lifestyle and NRI status of the boy and his family and without investigating in details get their daughter married to such a NRI boy. Most of the time only superficial investigation is done through few far relatives or agents and this leads into ruining the life of the daughter. In most of the cases after the hurried wedlock for a month the NRI groom departs for his job and has no communication with the bride and her family or if the bride is taken abroad on dependent visa then she is abused and deserted at any stage of pregnancy. These helpless brides under parental pressure and fear of stigmatization don't dare to make police complaint or take legal advice. If at all they dare and approach police, their hopes are shattered by the passive approach of investigating officers as many a times the brides are humiliated for hurriedly getting married and are stigmatized. With great difficulties if FIR is lodged the groom's family turns off the summons or don't appear before the court and all police actions are useless.

In most of the cases bride and her family are unaware about the exact residential addresses and that makes her case weak. Foreign embassies are reluctant to provide details of the fraudulent groom. Many a times the bride is taken abroad on tourist visa, and this makes the groom easily desert the bride and leave her helpless. Worst fact is the denial of bride's parents to accept her back on being abandoned by her husband and to add to this is the State's ignorance to provide any legal aid or financial support.

1.3 NRI BILL 2019 in India:

Late Smt. Sushma Swaraj, the then External Affairs Minister had introduced a remarkable Bill on Registration of Marriage of NRI of India in Rajya Sabha in 2019.

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This Bill was paved due to copious complaints were made by honeymoon brides of Indian nationals deserted and abused by the NRI grooms.

The combined Initiative of the Ministry of External Affairs, Women and Child Development, Home Affairs and Law and Justice has paved the path for this Bill. The Bill will have deterrent impact on NRI grooms and will give immense relief to the victims labeled as honeymoon brides or holiday brides.

The main aim of the Bill is to create more accountability and protect Indian women from abuses by their NRI spouses and it emphasizes on

a. Registration of Marriages by Non-Resident Indians:

For better enforcement of rights of the deserted spouse/victims under various family laws the Bill provides for compulsory registration of marriage within 30 days of marriage in India or abroad.

b. Amendment of the Passports Act 1967:

The amendment suggested empowers the Passport Authority to impound or revoke the passport of NRI, if it is brought to his notice that the NRI has not registered his marriage within 30 days from the date of marriage and

c. Amendment to the Code of Criminal Procedure 1973:

The Amendment suggested empowers the Courts for issuance of summons, warrants through the specially designated website of the Ministry of External Affairs. Also, provisions for attachment of properties belonging to the NRI, if he does not appear before the Court and is declared as Proclaimed Offender by the Court, are provided.

The Standing committee for external affairs has approved the compulsory registration of NRI marriages.

But the Committee has recommended the review of provision of Registration within 30 days and has expressed concerns over the misuse of the provision by the passport authorities as to impounding and revoking of passport. The Committee has also pointed that the time span of 30 days mentioned in the Bill is disproportionate and this stringent action is likely to be misused. The Committee has strongly recommended issuing show cause notice, imposition of exemplary fine, issue of a Look Out Notice prior to impounding of Passport of an NRI on failure to register her/his marriage within the stipulated time limit.

Guidelines for the Aspiring NRI Brides:

- a. Acquire knowledge about Food, culture, Lifestyle, time zone differences and climate of the country to be staying after marriage.
- b. Assert on Registration of marriage and registration certificate and always keep the original documents custody with oneself.
- c. Assert on an affidavit from the prospective groom as to his marital status.
- d. Assert on Business/employment details of the prospective groom, his turnover/salary, job details, address, qualification, certificates, employers credentials and his immigration status and eligibility to take the spouse to that country.
- e. Verify his Financial Status specifically properties said to be owned by him and his family background, residential address.
- f. Verify the prospective grooms' tax returns for preceding 3 years, bank account and property papers. visa, passport, voter or alien registration card, social security number,
- g. Assert on health insurance cover before going to reside overseas.
- h. Assert on regular, comfortable and easy communications between bride and groom and family members respectively.
- i. Assert on having original passport custody and have one copy at home town with parents of bride.
- j. Assert on social marriage ceremony rather than clandestine marriages.

- k. To verify all the details stated above contact the Indian embassy in the Foreign country, employer of the person, Local Indian associations and networks of Indian citizens and friends and relatives in that country.
- l. Never take any decision in hurry under any pressure especially on phone or emails.
- m. Never trust agents, touts, middlemen or bureaus and fall prey to them for green cards etc.
- n. Never lodge false case under dowry laws, Domestic violence etc.
- o. Maintain financial independence and have a separate bank account in the foreign country as well have professional/vocational qualifications and skills for being self-reliant and do learn the language of the land of residence of the groom.
- p. Maintain a phone list, emails of police, and help lines of foreign country of residence as well the emails, mobile numbers of Indian embassy authorities to be helpful during emergencies.
- q. Step out with full knowledge of laws as to residence permit, cruelty, abuses etc.
- r. Develop good communication skills so as to have good social friend circle abroad.
- s. Always be in touch with your friends and family member from India.
- t. Know the rights, as a spouse, whether general or specific.

1.5 Recommendations:

- a) Registration of marriage of NRI grooms should be mandatory but the time span for registration should be at least 2 months instead of 30 days because there would be some procedural delays or visa problems/ issues.
- b) Before impounding the passport of the groom proper investigation must be done because not in every case the groom and his family are fraudulent rather there are many unregistered vice versa cases were bride and her family to extract handsome alimony from financially handsome NRI groom tie the fraudulent knot.

- c) Special services/ offices should be established by the Government for counseling these brides and their parents.
- d) In every district/ taluka investigating officers specifically for keeping the records and tracks of NRI marriages and their details need to be appointed.

1.6 Conclusion:

Law has always played a vital role in transforming the society. Marriage is present as social institution in all cultures and very often the social norms determine the role of each spouse in wedlock. Marriage involves not only legal and religious institutions but also involves economic concerns between the spouses.

In recent decade whole institution of marriage has stretched including the NRI marriages and honeymoon brides and so is the need for enacting a legislation felt. NRI bill though still is in the making but once it comes as a law it will be a boon for many innocent honeymoon brides.

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