Bill against Non-Resident Indian (NRI) Husbands

Why in news?

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Union government is about to bring legislation which will revoke the passport of NRI men who are abandoning their wives in India.

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What is the proposed legislation about?

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- Union government has proposed legislation which will prescribe punitive measures like revocation of an NRI holder’s Indian passport if he is found to have deserted his wife.
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- Under the proposed legislation, if an NRI husband deserts his wife and absconds, a court summons published in the MEA website will be deemed to have been searched.
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- And, once the summon is entered as ‘served’, if the person fails to appear in court on the given date, his passport can be cancelled and his property in India seized.
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- The law will also make the registration of marriage mandatory within 15 working days.
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- The government has so far cancelled the passport of 33 non-resident Indians for abandoning their wives.
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How the punitive action will work?

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- Apart from cancelling their passports, in some cases, the government has

instructed the State police to issue Look-out-Circulars (LoC).
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- In criminal matters involving NRIs, the investigating officer can issue LoC in cognizable offences when the husband from overseas is deliberately dodging arrest.
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- The inter-ministerial panel comprising members of Woman and Child Development, Home and External Affairs has also decided to allow the Ministry of External Affairs to put up summons issued to NRI men who have not responded to the earlier summons on its website.
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- The Passport Act contains provisions for cancellation of passport of a holder who has received a summons for a court appearance or has a warrant for his/her arrest under any law that prohibits departure from India.
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- So, necessary amendments will have to be made in the Passport Act to incorporate the changes.
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What is the reason behind such legislation?

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- There have been 4,300 cases of NRI men deserting their wives in India in the last three years.
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- There has been an alarming rise in the cases coming to the National and State Commissions for Women, especially in Andhra Pradesh, Telangana and Punjab, related to ‘NRI marriages’.
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- Where the NRI husbands were sending divorce notices from abroad to their wives here ostensibly on grounds of incompatibility.
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- The divorce notices were issued when the wives came back to India or were hoping to join their husbands who left after the marriage.
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- These women were clueless on how to fight the case legally in the courts abroad.
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What are the concerns with the proposal?

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- The larger point, however, is that, while there needs to be strict action against such abandonment, cancelling passports encourages further law-breaking.
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- To be sure, before 2011, passports were not impounded and there was little that the deserted wives could do.
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- But, revoking passports means the person is likely to remain underground/illegally in a foreign nation in a bid to escape the law.
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Source: Financial Express, the Hindu

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