

Seizing the property of NRIs who desert their wives is a welcome move

There are too many instances of marriages between an NRI man and an Indian woman turning abusive and violent, and numerous cases in which the man has, shortly after the wedding, abandoned his wife. Stories of NRIs who abandon their wives but don't give up custody of children and husbands who seize the passports of their wives to prevent them from travelling to India are familiar to all of us. Once the woman is away from her familiar surrounding in a new country, it is often difficult for her to break the cycle of abuse. Also, owing to lack of awareness about legal options, fighting in the courts against unscrupulous men becomes tough for the families of the women. It comes as no surprise then that the government is considering changes in the criminal law that will allow confiscation of the property of NRI men for deserting their wives and not responding to notices issued to them, women and child development minister Maneka Gandhi said on Monday.

The ministry of external affairs (MEA) has written to the home ministry, proposing changes to the Code of Criminal Procedure (CrPC) that will allow summons posted on the website of the MEA to be considered legally tenable. At present, a woman has to file a complaint with the police who, in turn, get in touch with the embassies concerned. The mission then serves the summons to the accused. If three such notices have been served on the website and the offender doesn't respond, he'll be treated as an absconder. Enforcement agencies will then have sanction to attach the property of such persons and their families.

The frequency of complaints from Indian women abandoned by their NRI husbands has reached alarming levels. A 2007 study estimated that 25,000 wives of NRIs had been deserted in Punjab alone. A paper published by the New Jersey based NGO, Manavi, said there were 12,000 abandoned women living in Gujarat in 2004. Although there is no consolidated data available with the government on the number of women who marry NRIs every year, on December 21, 2017, minister of state for external affairs minister, VK Singh, told the Rajya Sabha that Indian missions abroad had received 3,328 complaints from Indian women about marital disputes with their NRI spouses since 2015. Of these, 3,268 were addressed by providing counselling to the women, and giving information about procedures, including on how to serve judicial summons to NRI husbands.

In an attempt to curb incidents of desertion of wives in a foreign country, the government is thinking of creating a nodal agency to look into problems faced in such marriages. Last year, an inter-ministerial panel formed under the chairmanship of retired Justice Arvind Goel, former chief of the NRI Commission of Punjab, recommended that Aadhaar be made mandatory for registration of NRI marriages in India and the marriages be registered within a week of the ceremony. Modifications in the CrPC that provide a legal framework to ensure that such NRIs appear before law enforcement agencies are welcome. The State must back this up with other forms of legal and financial support for deserted wives. Bringing the men to book is one part of the solution. But families also ought to exercise greater diligence when arranging the wedding with an NRI groom.

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