WHAT SAFEGUARDS AND RIGHTS FOR LADY MARRYING A N.R.I.PERSON?

BY

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  **After you marry the PIO/NRI, you must register the marriage at the office of the Registrar in India before you/your husband leave the country. The marriage certificate issued by the Registrars’ office and a copy of it should be kept with you and your family in India. Please keep adequate proof like marriage photographs, wedding invitation, copy of the husbands’ passport driving license, any other ID proof issued by the foreign country, visa address proof of both bride and groom etc., .Please remember the following points:•Marriage registration certificate should be carried at all times.**

**•Doing all the paperwork for issue of visa and other required formalities at your end**

**-keep all the original papers with yourself.;•Affidavit from the spouse stating present marital status.;•Visit with a health/comprehensive insurance policy before arriving in the foreign country;. Keep your passport with you in the foreign country and at least one copy of the passport.;4.What are the other precautions one should take before leaving India after marrying to NRI spouses?i.Keep a list of contact details of neighbors, friends, relatives, you husband’s employer in the foreign country, police, ambulance, and the Indian Embassy or High Commission in the country where you are living with your husband; ii.Please keep photocopies of all important documents including your passport, visa, bank and property documents, marriage certificate, wedding photos and other essential papers and phone numbers with parents or other trustworthy people in India or abroad.;iiiIn case these documents are lost/forcibly taken away/destroyed by your spouse or in-laws, the copies will be useful.If, possible, keep a scanned soft copyof these documents with you or and any person you trust; 5.My NRI husband has abandoned me. What should I do?**

**i.If your NRI husband has abandoned you in India, you can immediately file a complaint**

**/ FIR under 498A IPC on grounds of cruelty with the police in the local police station in the area where you were abandoned.; ii.Offences committed outside India would be deemed to have been committed within the territory of India by virtue of Section 188 of the Cr. P.C. Therefore, you can lodge a complaint for the same in India.; iii. If your husband has abandoned you in a foreign country or harasses you in any way, you may approach the local police. You may also immediately contact the following in case of an emergency/to seek assistance in the foreign country:**

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**⎫Indian Embassy in the foreign country;⎫Employer of the husband;⎫Local Indian associations and networks of Indian citizens in the area of the residence of your fiancé Friends and relatives in that country; 6What are the precautions a newlywed Indian woman can take in a foreign country?**

**⎫Try to open a bank account in the country of residence, so that you can withdraw money in emergency and be financially independent⎫;Read and understand the laws of the foreign country and your rights there, especially against any form of abuse or neglect, including ill-treatment, domestic violence, how to get residence permit etc**

**Keep in touch after marriage on phone and e-mail with friends and relatives in the foreign country; Wherever it is possible, learn the language of the country you reside in after marriage.7.Does the Ministry of Overseas Indian Affairs provide Legal and Financial;Assistance to Indian Women Deserted by their Overseas Indian Spouses?**

**•Yes. The Ministry of Overseas Indian Affairs operates a scheme for giving legal/financial assistance to Indian women deserted by their overseas Indian/foreigner husbands through NGOs empanelled and legal organizations with Embassy /Consulate.**

**•Such assistance under MOIA’s scheme is provided through Embassy / ;8.What is the objective of the scheme for Indian Women Deserted by their Overseas Indian Spouses?**

**The scheme is a welfare measure to support women of Indian origin who have been deserted by their overseas Indian spouses fraudulently, through the Indian Mission abroad with their empanelled NGOs etc. ;9.Who is eligible for assistance under the scheme?;The assistance would be available to women who have been deserted by their**

**overseas Indian spouses or are facing divorce proceedings in a foreign country**

**5subject to the following conditions: The woman is an Indian passport holder.**

**iiThe marriage of the woman was solemnized in India or overseas with an overseas Indian or a foreigner.;iii.The woman is deserted in India or overseas within 15 years of the marriage; or iv .Divorce proceedings are initiated within 15 years of marriage by her overseas Indian / foreigner husband or v).An ex-parte divorce has been obtained by the overseas Indian / foreigner husband within 20 years of marriage and a case for maintenance and alimony is to be filed by her. vi.The scheme would not be available to a woman having a criminal case decided against her, provided that a criminal charge of Parental Child Abduction shall not be a bar if the custody of the child has not yet been adjudicated upon. ;vii.“Parental Child Abduction” for this purpose will be defined as the unauthorized custody by the mother, without the other parent’s agreement and contrary to family law ruling, which largely removes the child from care, access and contact of the other parent and family side and shall be deemed to be Parental Child Abduction.**

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**viii.international child abduction occurs when a parent, relative or acquaintance of a child leaves the country with the child or children in violation of a custody decree or visitation order. Another situation is retention of children when they are supposedly taken on vacation to a foreign country and are not returned.” ;ix. A criminal charge of Parental Child Abduction, in the context of this Scheme, would mean the framing of charge against the mother by the police authorities consequent on lodging FIR or its equivalent.; x.The domicile of Indian woman seeking relief under the Scheme is not relevant for allowing the benefit. The woman may be domiciled in the country of her overseas Indian / foreigner husband or in India at the time of making the application.**

**xi.Preference will be given to applicants on the basis of financial need.;xii.Assistance will be provided to meet the legal and other costs, by the Heads of Indian Missions/ Posts overseas directly to the applicant’s legal counsel empanelled with the concerned Indian Mission/Post, or through the Indian Community Associations / Women’s organizations / NGOs acting on the woman’s behalf in an overseas legal institution.**

**10.How are the counseling and legal services provided to Indian woman deserted by their NRI spouses?The counseling and legal services are provided through credible Indian Women's Organizations/Indian Community Associations and NGOs identified for providing such services and empanelled with the Indian Missions..11.Is there a form to apply for assistance under the scheme?;A prescribed form at is available on the website of MOIA (www.moia.gov.in).;12.What is the procedure to apply for assistance under the scheme? ; The Supreme Court suggested the need to consider legislation safeguarding the interests of women. It suggested three specific provisions namely,**

**i.No marriage between an NRI and an Indian woman which has taken place in India, may be annulled by a foreign court.;ii.Provision may be made for adequate alimony to the wife in the property of the husband both in India and abroad.;iii.The decree granted by Indian courts may be made executable in foreign courts both on the principle of comity and by entering into reciprocal agreements like section 44A of the civil procedure code which makes a foreign decree executable as it would have been a decree passed by the court.16.a) How can I take recourse to/initiate criminal proceedings against my husband?You can file a criminal case against your husband under the relevant provisions of the law,under Section 154(1) Cr.P.C.**