

Standing Committee Report Summary

The Registration of Marriage of Non-Resident Indian Bill, 2019

- The Standing Committee of External Affairs (Chair: Dr. Shashi Tharoor) submitted its report on the Registration of Marriage of Non-Resident Indian Bill, 2019 on March 13, 2020. The Bill seeks to provide for the registration of marriage of non-resident Indians. Key recommendations of the Committee include:
 - **Comprehensive legislation:** The Committee observed that Bill is not comprehensive as it only serves the purpose of creating pressure on Non-Resident Indian (NRI) spouses accused of crimes such as abandonment and domestic violence, to present themselves before legal authorities. It recommended that legislation should address all issues relating to fraudulent marriages involving NRI spouses, such as divorce, maintenance, and custody of children.
 - **Definitions:** The Bill defines an NRI as a citizen of India who resides out of India. The Committee observed that the definition was vague. It recommended that NRI should be defined as a citizen of India who resides outside India for any purpose, except tourism.
 - **Registration of marriage:** The Bill seeks compulsory registration of marriage of an NRI within 30 days of marriage. The Committee noted that the objective of mandatory registration is to confirm the travel documents and permanent residential address of an NRI. This enables the government to serve summons upon the NRI, if necessary. However, the Committee observed that the information sought at the time of registration is not comprehensive. It recommended that information required should be exhaustive, incorporating details related to passport, visa or Permanent Resident Card, and address in foreign country with proof. The Committee also suggested that there should be provision for updating the information online.
- **Impounding or revoking of passports:** The Bill seeks to amend the Passports Act, 1967. The amendment will allow the passport authority to impound or revoke the passport of an NRI spouse if it is brought to the attention of the authority that they have not registered their marriage within 30 days. The Committee observed that the direct impounding or revoking of the passport of an NRI is disproportionate, stringent, and likely to be misused. It recommended that the authority could instead issue a show cause notice, impose an exemplary fine, or issue a look out notice prior to impounding or revoking the passport.
- **Issuing summons and warrants:** The Bill seeks to amend the Code of Criminal Procedure, 1973 to empower Courts to issue summons and warrants through the website of the Ministry of External Affairs. If the person does not appear despite the issuance of the warrant on website, then a declaration will be uploaded and attachment of property will also be permitted. The Committee noted that the provision of attachment of property after issue of proclamation is stringent and the domain of the Court. It recommended that summons and court orders may be submitted online. However, punitive measures should be decided by the Court on a case to case basis.
- **Provisions for women:** The Committee observed that women deserted by NRI spouses face challenges in foreign countries such as lenient grounds for divorce, and visa and immigration issues. It recommended that provisions to support these should be made in the Mutual Legal Assistance Treaty and bilateral treaties with various countries. These provisions may include visa extensions for women and attachment of property of the accused spouse.

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