



## Fraudulent NRI Marriage and Vulnerable Brides

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### ABSTRACT

*Many Indians are settled abroad in various countries of the world to earn green pastures of life. Making good money is again one of the major reasons for settling abroad. These Non-Resident Indians (NRIs) contribute in a big way towards the economic development of the country by contributing much towards the foreign exchange.*

*Apart from making good money there is also a craze to marry NRI boy. Indian girls and more interested to marry with an NRI boy; such alliances are seen as the most popular ones in Indian society, promising greener pastures for not just the woman but her entire family. In the eagerness not to let go of such a match, the families totally ignore even the common cautions that are observed in traditional matchmaking. This aggravates the risks that such women have to confront with. The worst nightmare of the life becomes true when the woman being isolated far away from home in an alien land, is facing constraints of language, communication, lack of knowledge of local criminal justice, police, legal system, and lastly no family to turn to. The article aims to underling various causes for such social evil and also suggests some probable remedies.*

It is commonly accepted under the Hindu Philosophy that marriages are arranged in heaven and they are solemnized on the earth. It is a fact that all the marriages according to Hindu Shastra are sacrament and the ceremony observed has evolved in an evolutionary manner and a Hindu Marriage is looked upon as something which is more of a religious necessity and less of a physical luxury. The marriage is considered as an essential samskara with the Hindus and a holy union between a man and women. It is regarded a part of life of the soul. But subsequently this holy institution lost its sacredness as offences relating to marriage started dominating the social fabric.

### New Concern is towards NRI Fraudulent Marriages

From last several years a new problem has come on the surface that is about Indian women trapped in fraudulent marriages with overseas Indians. This issue has raised a call of time as it is so pressing. It is high time to defend these women's and more importantly, to make them aware of their rights and responsibilities. Also it is felt that some social safety machinery should be provided which could assist them. The problems that a girl has to face are of much diverse nature. Some of such issues are of grave violation of the rights of married women which in turn affect the whole family of the girl. There could be several issues when it comes to fraudulent NIR marriage, some of them are:

- Dowry
- Non-consummation of marriages,
- Women assaulted by her husband in foreign country, abused both mentally and physically
- Husband doesn't turn-up at the international airport to receive his wife.
- Marriages of convenience,
- Concealment of earlier existing marriage by the husband before marrying an Indian woman and
- Lack of social security faced by an Indian woman on the foreign soil once the marriage is broken and ex parte divorces are obtained.

It must be understood that such NRI Marriages are solemnized in India, but the proceeding of divorce takes place on the foreign courts where dissolution takes place very fast. This is a most alarming trend. Unfortunately, there is no specific law that deals with such aspects. Too add to, jurisdiction-

al issues and conflict of laws issues is also very complicated. This leads to deprivation of justice on the part of those women. Though matrimonial disputes are one of the most challenging and complex areas for legal intervention within any system, what makes the situation complex particularly in the Indian context is the fact that in the absence of uniform civil laws, the personal laws of various religious communities continue to be different, thus making the matrimonial disputes, especially in inter-religious marriages, even more difficult to deal with. In this already complex scenario, the legal complications get multiplied manifold when a marriage steps beyond the borders of a country and its legal system, in a phenomenon that has come to be known as "NRI marriages".<sup>2</sup>

These marriages have to then enter the domain – often called the 'maze' - of private international law that deals with the interplay and conflict of laws of different countries, which makes the issues therein that much more complex. Even though this is a gender-neutral term, typically the 'NRI marriages', as generally understood, are between an Indian woman from India and an Indian man residing in another country (thus NRI – non-resident Indian), either as Indian citizen (when he would legally be an 'NRI') or as citizen of that other country (when he would legally be a PIO – person of Indian origin).<sup>3</sup>

Since Indians share high desires for migration to foreign countries, such alliances are seen as the most popular ones in Indian society, promising greener pastures for not just the woman but her entire family. In the eagerness not to let go of such a match, the families totally ignore even the common cautions that are observed in traditional matchmaking. This aggravates the risks that such women have to confront with. The worst nightmare of the life becomes true when the woman being isolated far away from home in an alien land, is facing constraints of language, communication, lack of knowledge of local criminal justice, police, legal system, and lastly no family to turn to.<sup>4</sup>

### False advertisements

If we see those matrimonial advertisements that appear on the Internet and on-line newspapers pertaining to NRI Marriage, many of these ads are a trap by NRIs living abroad. If we read such advertisements we can see that the primary requirements for match-making like decent human qualities, honesty and other values are fully ignored. On the contrary it

seems that such advertisements are more of a kind of business propositions wherein you are required to give your girl in consideration of green card.<sup>5</sup> It seems as long as people are willing to be exploited, there will be exploiters.<sup>6</sup> More and more problems are emerging with these NRI marriages. The problem is not just opportunistic NRIs, but also those who put their trust in someone whom they have barely met.<sup>7</sup>

#### Root Cause of Problem

As is widely seen, in case of NRI marriages allurements thrown by agents, the greed for making dollar and the desire to settle family members in foreign countries are the root causes leading to such marriages. Moreover, under the changed scenario, and people getting influenced by the globalization, the problem of NRI boys marrying girls and then running away is becoming more and more intimidating. There are many states in India which has become a hub for the forced migration of young women. It seems government has failed to keep proper checks on such marriages. It has also failed to pass a law that enforces compulsory registration of NRI marriages. The changing socio-economic conditions in India forced many of people to go out to foreign lands for better livelihood. But this need to migrate became in course of time a craze for going abroad, and thus began the exploitation of many social ties under the influence of a money-minded culture.<sup>8</sup>

#### Craze to go abroad

The travel agents know well that Indians who are running out for better fortune are crazy about settling abroad. They are exploited by such travel agents also. Many of them are fake ones, leading to Malta-like tragedies. There is also the additional crazy desire that one would be able to settle some family member(s) abroad after the marriage of one's daughter. Because of this mentality, parents from middle class strata go ahead to arrange their daughters' marriages with NRI boy without even verifying the background and past history of the boy.

#### Illegitimate system, illegitimate product

In country like India where people dream to settle abroad in country like USA, incidents of such exploitation are on the rise at an alarming rate. Earlier the stories come only from girl married with US, Canada and European based NRI boy, but now similar frauds are now being perpetrated by those working in the Gulf countries and other Arabian countries. The exploitation of girls by NRIs is facilitated by so many factors. More than 50 percent cases are reported by the peasantry, and some 25 percent by middle class families. The main reasons for this social tragedy are the socio-economic conditions of the peasantry, the ever-rising level of unemployment and the westernization of social relations, which together provide a fertile ground for such incidents.<sup>9</sup>

#### Lack of awareness and nondisclosure of the story

Besides the lack of a strong law and of awareness among the young girls, which makes it all the easier for the NRIs to perpetrate the fraud, such cases are also kept hidden from others for fear of being stigmatized. Many a time the culprits go scot-free due to the lack of an effective law.<sup>10</sup>

#### Suggested Remedies

##### 1. Awareness Programmes:

It is a call of hour that proper awareness programmes should be conducted on television, and write-up should be put-up on the webpage also. This is more required in the rural areas from where most of the gullible brides come.

##### 2. Separate Legislation for NRI:

There is also a need to have a new inclusive legislation that deals with NRI marriages which provides for appropriate legal remedies. Such new law must be made applicable to NIR's who have settled abroad.

3. Registration: Some most important is the registration of NRI marriages which is not being done as of now. This should be made compulsory in the case of overseas Indians. Such registration shall ensure that all conditions of valid marriage are complied with.

4. International Conventions: Again, there is also an urgent need to have some international conventions that would address the marriage related issues of NRI's.

5. Affidavit: Another precautionary measure could be compelling the potential NRI husband to submit affidavit which is prepared in the foreign country where he is residing which says about his marital status, economic status and also citizenship status. This shall prevent the potential NRI husbands to commit fraud.

6. Special Cell: A special cell could also be setup with the Indian Embassy to provide assistances during the emergencies

7. Amendment of Existing Legislations: Only enacting international conventions will not serve the purpose unless the existing laws are reviewed and are amended to that extent. Strengthening of the local laws is also of the utmost importance. Appropriate provisions should be incorporated in the Hindu Marriage Act 1955 so as to provide appropriate judicial forum in India to NRI spouse.

Let us hope that people shall understand the importance of marriage in true sense. There are certain aspects of life which cannot be compromised. Everybody wants to have green pastures of life. But the same should not be at the cost of the life itself. It is a time for the Indians girls who want to settle abroad by getting married to NRI boy to wake up. Besides gross violation of human rights, such failure of marriage also violates the dignity of women. It is time now to understand and to educate oneself before it is too late.

#### REFERENCES

- Dr. G A Solanki, Associate Professor, Faculty of Law, The M S University of Baroda, Gujarat | See, National Seminar on Issues relating to NRI marriages, available at <http://www.punjabpolice.gov.in/PDFViewer/>, accessed on 21/9/12 | Ibid | Ibid | Once can find plenty of advertisements starting with " Looking for a suitable match for a well settled NRI overseas....." or something like that. Being an "NRI abroad" is the main quality being touted again and again. | See, The Growing Problems with NRI marriages: A wakeup call, available at C:\Documents and Settings\Administrator\Desktop\NRI Punjab seminar\The growing problems with NRI Marriages A wakeup call on NRI Weddings! The Indians Abroad.mht, accessed on 23/9/12 | Ibid | See, NRI marriages: Problems, Causes and Remedies, by Rajinder Kour, available at [http://pd.cpmi.org/2006/0730/07302006\\_problem%20relating%20to%20nri%20marriage.htm](http://pd.cpmi.org/2006/0730/07302006_problem%20relating%20to%20nri%20marriage.htm) | ,accessed on 23/9/12 | Ibid | Ibid 7