

Time to pass the NRI Marriage Bill

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Thousands of Indian women marry the men of their dreams in lavish ceremonies, spend fortunes, and then find themselves discarded in foreign countries—without resources, support or a way back. Rita Sahni was abandoned by her husband Nilesh in Ireland (*The Guardian*, 2021). So was Jagdeep Kaur by her husband, Sukhminder Singh, in Germany (*Financial Express*, 2026). Over the past five years, the Ministry of External Affairs (MEA) has received 1,617 complaints from women abandoned by NRI husbands abroad (MEA 2025). These women married in India, flew overseas, and were deserted by their husbands, who often prevented their return. In this context, the long-pending Registration of Marriage of Non-Resident Indian Bill acquires urgent significance.

The MEA also notes that cases of men who migrate abroad after abandoning their wives in India are handled by state governments. Both forms of gender-based violence—abandonment abroad or desertion at home—constitute transnational marriage abandonment (TMA), a phenomenon largely unexplored in the Indian context. While international human rights frameworks do not define TMA as a distinct category, it is formally recognised as a form of domestic abuse in countries such as the United Kingdom. The UK Home Office describes it as coercive behaviour in which a partner abandons or strands the other overseas.

The Registration of Marriage of Non-Resident Indian Bill, 2019, seeks to hold husbands accountable by mandating marriage registration and enabling stranded wives to pursue legal action even while abroad.

Several states, like Kerala and Punjab, have established NRI ministries or welfare cells to address such grievances. Karnataka has discussed creating a separate ministry for Kannadiga NRIs.

NRI marriages are governed variously by the Foreign Marriage Act, the Hindu Marriage Act, the Special Marriage Act, and personal laws. However, there is no single codified framework for NRI marital disputes.

Introduced in the Rajya Sabha in 2019 by the then external affairs minister, Sushma Swaraj, the bill was examined by a Standing Committee, which found it inadequate on issues such as custody, maintenance and definitional clarity. Although approved in 2020, it was not taken up for discussion for four years. Concerns ranged from extraterritorial overreach to the potential strain on bilater-

al relations arising from passport impoundment. In 2024, the Law Commission recommended revising and expanding the Bill to cover Overseas Citizens of India (OCI).

At a time when women are under-represented in Parliament and governments are criticised for failing to address gender violence structurally, legislation alone cannot dismantle systemic patriarchy. The real dilemma lies in negotiating women's rights within a State framework that often prioritises national security, economic growth, and trade agreements as key developmental concerns.

NRI marriages are marketed as aspirational pathways to economic security through overseas settlement. Yet, a legal blind spot exists: in unregistered NRI marriages, women struggle to prove their legal status. Those on dependent visas in many European countries have “no recourse to public funds” (NRPF), barring them from welfare benefits. They also face racism, language barriers, social isolation, psychological abuse and vulnerabilities related to child custody. In some cases, men exploit women using NRI marriage as a means to control mobility and finances. Though European countries have criminalised forced marriages and are discussing honour-based violence, many NRI women hesitate to seek legal recourse, fearing social stigma and family rupture.

The proposed bill mandates registration of NRI marriages within a specified time, creating documentary proof that can prevent later denial of marriage and enable claims for maintenance and custody. It requires NRI spouses to declare existing marriages to prevent bigamy and fraud. It grants Indian courts jurisdiction even when marriages take place abroad, with summons served through consulates and embassies. Courts can revoke NRI passports for strict enforcement. Divorce granted by a foreign court without the recognition of Indian courts is not valid if not mutual.

In the wake of growing anti-immigrant sentiment, NRI women face multi-level challenges in overseas communities. The international legal ambiguity on TMA exacerbates the stigma associated with divorce and further isolates victims. Though the role of law as an agent of structural change is debatable, the NRI bill offers the deserted NRI women abroad a chance to reclaim their lives.

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