

Embassy of India  
2107 Massachussets Ave., NW  
Washington, D.C., 20008  
Rahul Chhabra  
Counsellor(Press, Information Culture  
and Congressional Liaison)  
**Phone:(202) - 939 –7041**  
**Fax: (202)- 462 – 7276**  
[rchhabra@indiagov.org](mailto:rchhabra@indiagov.org)

Dated 31 March 2009

Please refer your application under dated 19 December 2008 seeking information under the RTI Act, 2005. The available information is given below *ad seriatim*.

- (1) The memorandum mentioned could not be traced.
- (2) As per available records, the meeting in which all Consuls General of India in USA were present and the issue of NRI marriages and/or misuse of Indian laws against NRIs was discussed, was on September 30, 2008.

In this meeting the discussions on the subject covered the need for a database of Persons of Indian Origin which it was felt could be of great use both in India and abroad in dealing with cases of distress and emergencies concerning PIOs. The difficulties faced by PIOs in distress because of the complications of the judicial procedures and the high cost of legal services were also discussed.

(3)(4) & (5) In a letter dated March 31, 2007 addressed to the Hon'ble Minister of Overseas Indian Affairs the then-CG, San Francisco, Shri B.S. Prakash, had taken up the issue of the likelihood of men/husbands facing harassments from their wives as "the unintended consequence" of application of Section 498-A of the IPC.

In the Ministry of Overseas Indian Affairs (MOIA), the matter raised by CG, San Francisco was examined and a reply was sent to the CG on May 17, 2007. It was pointed out in the reply that the judiciary is sufficiently sensitized to this problem. In this connection, it mentioned Supreme Court comments on the possible misuse of the law and High Court judgments highlighting such cases. The matter was also referred to the Ministry of Law and Justice.

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Thereafter, an inter-ministerial meeting was convened by the MEA, under the chairmanship of Additional Secretary, on May 25, 2007 on the subject of impounding/revocation of passports of persons living abroad against whom cases have been registered under Section 498A of IPC in India. The above-mentioned letter dated March 29, 2007 of CG, San Francisco was also considered in this meeting. After that, a circular dated June 4, 2007 was issued to all Passport Issuing Authorities in India, asking them to be judicious while impounding/revoking passports and to take decisions after giving due consideration to the explanation given by the passport holders.

CG, New York had also taken up this issue with the MOIA vide letter dated April 3, 2007. In para 8 of the letter, she made a mention of the "plight of NRI males who feel they are being exploited/harassed".

This letter was responded to by an Additional Secretary of MEA. It was clarified in this letter dated 21 May 2007 that:-

*"Any action to be taken by our Missions/Posts abroad has to be in the bounds of law and bilateral agreements with the country concerned. A mere complaint by a deserted spouse cannot become the basis of revocation of a passport unless the matter is covered by one of the grounds for revocation of passports listed in the Passports Act, 1967."*

Finally, it may be mentioned that the MOIA has brought out a 94-page booklet captioned "Marriages to Overseas Indians" containing useful guidelines in matter relating to marriages with NRIs. This booklet is available on the MOIA's website "[www.moia.gov.in](http://www.moia.gov.in)".

It may also be mentioned that you yourself met the Secretary, MOIA on September 28, 2007 and subsequently, Joint Secretary (Diaspora Services), MOIA on June 18, 2008 in this connection. Recently, you again met Secretary, MOIA at San Francisco a few days back on March 11, 2009.

This reply to your application was delayed, as it required collection of information from various concerned offices.

*R. Chhabra*  
(Rahul Chhabra)

- 1) What action(s) embassy has taken to the detailed memorandum Rakshak Foundation submitted after meeting with Ambassador Ronen Sen( Jan 31st, 2007 at San Francisco). The memorandum with details and prayers were send to Indian Embassy by FedEx (and email) on February 15th, 2007.
- 2) Meeting minutes of All Consul General's meeting of last 4 years where the issue of NRI marriages and/or misuse of Indian laws against NRIs was ever discussed.
- 3) Has the Indian Embassy or Indian Consulates taken up (discussed) the issue of Parental Child abduction from USA to India by Indian Citizens with United States Government? If so, please send the copy of the information exchanged between the government officials (letter, email or fax)
- 4) Has Indian Embassy or any of the 4 Indian Consulates provided any recommendation to Ministry of Overseas Indian Affairs (MOIA) on the subject of NRI Marriages, NRI Divorce, NRI Child Custody or NRI Child Abduction? If so, please provide the copy of the recommendation (email, fax or letter)
- 5) Copy and Details of all the information exchanged (in form of letter(s) or email or fax or any other form of electronic mode of communication) between any officer of the Indian Embassy and the Ministry of Overseas Indian affairs (MOIA), Ministry of External Affairs (MEA), any other ministry and Indian Consulates in USA where any of the following issue was mentioned/discussed:
  - A. NRI Marriage(s) and/or divorce
  - B. Dowry Harassment
  - C. Abandoned Bride(s)
  - D. Misuse of Criminal Laws against NRIs (like IPC 498a, IPC 406, IPC 506)
  - E. Parental Child Abduction to India (from USA)
  - F. Parental Child Abduction to USA (from India)