ONE-DAY NATIONAL WORKSHOP ON

NON-RESIDENT INDIAN (NRI) MARRIAGES: NEED FOR A NEW LEGAL REGIME

On

Saturday, February 2, 2013

Organised by:

CENTRE FOR FAMILY LAW

NALSAR UNIVERSITY OF LAW, HYDERABAD
Marriage is a socially recognised and legally protected voluntary and exclusive contract for lifelong union of two persons of opposite sex. Most Western nations and India have witnessed some far-reaching changes in the foundation of the family in recent years. Marriage has come to be regarded by many as a functional arrangement for ‘social convenience’. The institution of marriage is under a great stress and strain. Issues like conflict of jurisdiction, parental child abduction, inter-country adoption rights, desertion, live-in relationship constitute major issues in cross-country marriages. The present legal framework is ill-equipped to address them. This workshop aims to closely scrutinize issues and problems of NRI Marriages and to come up with suggestions for the betterment of the system.

National Workshop on

NON-RESIDENT INDIAN (NRI) MARRIAGES: NEED FOR A NEW LEGAL REGIME

Marriage is a union of two individuals of opposite sex to the exclusion of all others. In different systems, the nature and extent of legal recognition and protection of marriage and other marriage related issues differ. Family relations like marriage, divorce, maintenance, custody, adoption are governed by different family laws around the world and therefore, multiple problems arise particularly in cases of cross-country and cross-cultural marriages.

In the last 30 years, most western countries have witnessed formidable changes in the foundation of the family institution. Even in India, since the time of Vedic period, a sea change has occurred in the perception about marriage and its sanctity. From being considered as an eternal and permanent union, divine sacrament, marriage has come to be regarded as an arrangement for ‘social convenience’. This has brought with it numerous societal problems that legislations are ill-equipped to address. Times have changed but family law legislations enacted by the Indian Parliament in 1955 and 1956 remains unchanged since then. Legal loopholes have brought untold misery for deserted spouses by their NRI husbands.

By and large, Indians have a rather misplaced fancy for the word ‘foreign’. It is the extreme desire to make one’s family settle abroad that leads parents to marry their daughters off to NRIs (Non Resident Indians). Daughters married abroad are in turn a way to make the entire family settle abroad. Going to foreign countries is seen as a ‘ticket to prosperity’. But, this is just a mirage, as this turns out to be a very deceitful affair and very often a significant number of Indian women suffer after such marriages.

Persons settled abroad take advantage of the fact that they are outside the jurisdiction of the Courts of India and most of the time; battered married women do not have resources to fight back and bring the culprits to face the consequences of their wrong doing. No bilateral agreements or treaties with foreign countries on issues relating to marriage, divorce, adoption and maintenance exist. In the event of abandonment, parallel Court proceedings are initiated on both sides in different countries. This leads to a conflict of jurisdictions and implementation of Court Orders becomes difficult. Even if an effective order is passed, enforcement hassles make the remedy more illusory than real. To compound the problems, registration of marriages has not been made compulsory uniformly in India, resulting in multiple marriages by the NRIs often without a previous divorce, invariably by duping the previous spouse and providing no social security including maintenance to the abandoned wife and the unfortunate child of such union, if any.

Furthermore, there are issues relating to inter-parental child abduction. Legal recourse in such cases is difficult and undefined. India is not a signatory to The Hague Convention of 1968 on ‘Child Abduction’; hence, there is practically no law on the subject.
The institution of marriage is the nucleus of the social system. It forms the very foundation on which the splendid edifice of the social system stands. It gives rise to very tender but complex interrelationship between the spouses from which a plethora of rights and obligations emanates.

In Indian context, the proposed workshop would be relevant for the policy-makers and the Courts so that a clear policy may be formulated. Any clear trends of public opinion and the socio-legal data which could be available as part of the research out-put under the proposed research plan may lead to a clear policy decision to put an end to the continuing ambiguity and lack of uniform judicial trends in regard to the issues relating to NRI marriage. Moreover the proposed workshop shall capture the changing moral values, individual preferences and judgments as part of basic human rights and the legally prescribed dispensation of State articulated grounds of divorce and enforcement of foreign divorce decrees. It is an attempt to deal with this issue and to come up with suggestive measures in best interest of the society, which may help the policy makers to review the prevalent laws.

**Suggested Themes**

Some of the suggested themes for the workshop are as follows:

**Theme I** : Issues Relating to Laws of Marriage in India, *vis-à-vis* abroad

**Theme II** : Issues Relating to Laws of Divorce in India, *vis-à-vis* abroad

**Theme III** : Issues Relating to Settlement of Matrimonial Property

**Theme IV** : Issues Relating to Child Custody, Adoption and Maintenance

**Theme V** : Issues Relating to Child Abuse and Inter-parental Child Abduction

**Theme VI** : Prenuptial Agreements – A way forward

**NOTE** : Research papers may be submitted on any of the above sub-themes, or any other relevant theme within the ambit of the Workshop’s main theme. Abstracts should not be of more than 1000 words, and full papers are subject to a word limit of 6000 words.

**Venue of the Workshop**

R. N. Jhunjhunwala Conference Hall, NALSAR University of Law, Justice City, Shameerpet, Hyderabad.

**Schedule of the Workshop**

The Workshop shall be held on Saturday, February 2, 2012. The registration and inaugural shall be held in the morning on Saturday, February 2, 2012 immediately after inauguration technical Sessions shall continue till 5:00 PM which shall follow the valedictory ceremony.
Important Dates

<table>
<thead>
<tr>
<th>Date</th>
<th>Event</th>
</tr>
</thead>
<tbody>
<tr>
<td>December 15, 2012</td>
<td>Last date of submission of abstracts.</td>
</tr>
<tr>
<td>December 30, 2012</td>
<td>Last date for receiving final decision on abstracts.</td>
</tr>
<tr>
<td>January 25, 2013</td>
<td>Last date for registration, submission of full paper, and submission of power point presentation.</td>
</tr>
<tr>
<td>February 2, 2013</td>
<td>National Workshop</td>
</tr>
</tbody>
</table>

Conference Fee

<table>
<thead>
<tr>
<th>PARTICIPANT CATEGORY</th>
<th>FEE AMOUNT</th>
</tr>
</thead>
<tbody>
<tr>
<td>PROFESSIONALS</td>
<td>Rs. 2500</td>
</tr>
<tr>
<td>ACADEMICIANS</td>
<td>Rs. 2000</td>
</tr>
<tr>
<td>STUDENTS/RESEARCH SCHOLARS</td>
<td>Rs. 1500</td>
</tr>
</tbody>
</table>

NOTE: This registration fee includes one pack of the Workshop material, lunch, and tea with snack on February 2, 2013. The University shall provide the accommodation and food for all the participants on the day of the Workshop. For every additional day a nominal charge of Rs. 500/- (students/research scholars), Rs. 750/- (Academicians) and Rs. 1000/- (Professionals) shall be payable at the venue for each participant towards additional food and accommodation charges.

Registration Details

Filled-in Registration Forms along with the Demand Draft drawn in favour of “Registrar, NALSAR University of Law”, should be sent to “Prof. (Dr.) Vijender Kumar, NALSAR University of Law, Justice City, Shameerpet, Hyderabad, Andhra Pradesh – 500 078.” latest by January 25, 2013.

Contact Person:

Prof. (Dr.) Vijender Kumar
Workshop Coordinator
Head, Centre for Family Law
NALSAR University of Law
Justice City, Shameerpet,
R.R. District, Hyderabad – 500 078 AP INDIA
Web address: http://www.nalsar.ac.in
E-mail address: vijenderkumar@yahoo.com
Phone: 040-23498104, 23498105, 23498210