

Digital Governance in NRI Marriages: Exploring Stakeholder Perspectives on Associated Legal Issues

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Abstract:

When spouses of Indian nationals living abroad abandon or ignore their wives, the consequences can be devastating, both financially and legally. Because they do not have the resources, knowledge, or access to international court systems, these women have little choice but to pursue justice within India's legal system. Legal administration, digital documentation, cross-border conflict resolution, and NRI marriage justice can all be improved with the help of technology in this digital age. Discussing the complex legal concerns surrounding NRI marriages, the women concerned, their families, legal specialists, NGOs, and government entities gather together. Problems including dowry harassment, domestic violence, and leave abandonment go unsolved for families and women impacted by such constraints due to cross-border jurisdiction. Concerns about the implementation of Indian marriage laws abroad, child custody, and divorces between parents who have already separated are brought up by NGOs and lawyers. Legislative bodies from different branches have been pushing for accountability measures, like NRI marriage registration, as part of the push to update legal processes. Various viewpoints on the topics are considered in this study, which seeks to identify systemic gaps and coordinated response. Legislative reforms, international cooperation, cautious use of digital technology, and strong support systems are necessary to ensure the safety and rights of women in marriages to non-resident Indians.

Keywords: Abandonment, Dowry, Divorce, Jurisdiction, Legislation.

INTRODUCTION

In order to combat marital fraud, cross-border abandonment, domestic violence, and financial extortion, digital governance in NRI marriages focuses on utilizing centralized technology, online tracking databases, and inter-country digital legal processes. The digital integration of marriage records with immigration and national identity systems is the main component of this architecture. Mandatory online registration of marriages involving non-resident Indians on designated central portals within stringent timeframes is mandated by proposed legislative frameworks such as the Registration of Marriage of Non-Resident Indian Bill. Officials can check passports, keep tabs on people's permanent addresses overseas in real time, and stop them from getting married more than once fraudulently by connecting marriage registration data with the MEA and regional passport offices.

An important link between Indian law enforcement officials and victims in India or abroad for crisis intervention and grievance redressal is internet platforms. Online resources like as the NRI Cell Complaint

Registration and Monitoring System, run by the National Commission for Women (NCW), make it easy for spouses who feel wronged to file complaints, monitor their progress in real time, and communicate with authorities in their area, including Indian embassies and police. In addition, victims of domestic violence or desertion can use consular portals such as MADAD or the National Cyber Crime Reporting Portal to lodge international complaints about cyberbullying, financial fraud, or non-consensual photo sharing. Victims who are ensnared overseas or who lack local legal representation may find these internet avenues to be a great boon in overcoming procedural hurdles.

Another benefit of digital governance is that it gives the Indian judiciary more tools to deal with NRI criminals who run away from physical court hearings. In cases when personal service is not possible, judges can now use certain government portals to submit warrants and summonses. In India, courts can now proceed with digital attachment orders against non-responsive spouses' property, declare them proclaimed offenders, and even impound or revoke their passports online thru MEA database integration, all thanks to digital service of process, which is legally recognized as conclusive evidence of notification.

Data sovereignty, international law, and jurisdictional overlap are obstacles to cross-border digital enforcement, notwithstanding these systemic improvements. Complex requests under Mutual Legal Assistance Treaties (MLATs) are typically necessary to secure digital evidence stored on foreign servers, like chat logs, financial transaction records, or IP logs. However, these demands might cause delays. International harmonization, automated diplomatic channels, and expanded bilateral cyber-forensic agreements are necessary due to the fact that privacy regulations differ across countries and foreign courts are reluctant to automatically enforce Indian digital decrees under Section 44A of the Civil Procedure Code.

We are already well into the 21st century, and it appears that we are speeding toward the illusory "Global Village" concept. More and more people from all over the world are discovering their true calling in other nations as a result of the declining obstacles to international trade and business and the broadening scope of globalization. This tendency is expected to be more pronounced in India, where the promise of a better living by employment outside has long been seen more attractive. Therefore, it is reasonable to assume, without doing any statistical analysis, that the most industrialized nations, such as the USA, UK, and Australia, are the primary destinations for Indians seeking a new life abroad.

In India, for example, there have been high rates of child abduction, desertion of wives by non-resident Indian husbands, and matrimonial property disputes as a result of the growing global village. Typically, a "NRI marriage" is between an Indian woman from India and an Indian man living abroad, who is either legally a "NRI" (non-resident Indian) or a citizen of the other country (person of Indian origin) depending on the circumstances. The growing issue has been made worse by the conservative societal views held by Indian households, who favor NRI grooms over their local counterparts. Indian families sometimes look up to NRI grooms as a way to climb the social ladder. Unfortunately, not many families make sure the grooms are up to snuff. Therefore, after leaving India, many brides find that their marriages were traumatic experiences. The allure of a well-established NRI becomes too much for the bride's family, who lose a lot of money in a false marriage, and the groom runs away. This is a growing problem for women. Both Indian law and the laws of the other nation where one or both spouses reside apply to non-resident Indian weddings. Because of the inherent complexities of the relevant jurisdiction, the conviction rate is pitifully low. These precarious unions are bringing to light a hideous social ill that disproportionately affects the southern state of Andhra Pradesh and the northern provinces of Punjab and Delhi. Divorce, filings have been rising this year, according to a new data from the Ministry of Overseas Indian Affairs. From 381 cases reported on March 14, 2012, to 418

cases reported on June 30, 2012, there was a significant surge in the number of complaints filed by Indian women against husband desertion and harassment, according to the ministry. Still another nation-wide commission report.

REVIEW OF LITERATURE

Narzary, Pralip & Ladusingh, Laishram. (2019) While it is socially unacceptable for Indians to marry outsiders, young people incur the risk of honor killings if they do so. The social incongruity increased by 4.5% between 1951 and 2012, according to a large-scale survey (IHS 2011–2012). In the north-eastern region, caste disparity occurs 11.6% of the time, whereas in the center region it occurs 1.8% of the time. The importance of caste decreases when women have the freedom to pick their life partners, according to multivariate statistics. Wives often choose their husbands after having an intimate relationship with them for at least a year. Contrary to popular belief, schools should not discriminate against interracial couples. The prevalence of intercaste marriage is lower in Dalit households as compared to those of upper castes. The caste system in India could be diminished with concerted and focused efforts if marriage were to be promoted.

Sharma, Sehdev. (2014) There has been a recent uptick in the incidence of incestuous marriages between Punjabi women and non-resident Indians. The NRI grooms are captivated by the vivacity and vitality of Punjabi women. A large number of Punjabi girls also have a preference for Western luxury. If it means staying in the West, she will do anything. While on vacation, she is often the target of envious NRI grooms who crush her hopes and dreams. Resolving issues related to NRI marriage is the primary goal of this study. These frail women require our protection, in our opinion. It is necessary to inform them of their rights and obligations. She needs to be familiar with social safety nets and the ways they help.

Shandilya, Akshay. (2013) "Emotional harm can never be fully satisfied, but physical harm has its limits," wise elders used to say. People will remember their expertise and wisdom. The saying is true because it is widely recognized that NRI marriages are socially highly challenging. More nations than only India might be in this predicament. Identifying the source(s) of this distressing "social malaise" is the goal of this theological investigation. From politicians' lack of a policy framework to prejudice and skewed social attitudes, this study offers both immediate and long-term remedies for this social ill. It breaks my heart that husbands are leaving their spouses in so many regions of India. This document's safety procedures meet all national, state, and local regulations. If actions are taken, the problem will be reduced or eliminated.

NRI MARRIAGES

Marriages between Indian women and men who are citizens of another country or who are foreign nationals living abroad are commonly referred to as non-resident Indian marriages.

When one or both spouses are nationals of India but live outside of the nation, the marriage is known as an NRI marriage. As a result of the proliferation of global communication tools made possible by the Internet, weddings between non-resident Indians (NRIs) are on the rise. A marriage between an Indian citizen and a foreign national who subsequently departs from the country is known as an NRI marriage.

What makes a marriage between two people from different countries and cultures so special is the rich tapestry of traditions, customs, and values that each partner brings to the table. Marriages between non-resident Indians are evidence of the universality of marriage, which transcends national boundaries and unites individuals from all over the globe.

The cultural differences between the spouses, as well as the difficulties of adjusting to life in a new nation, must be carefully considered in an NRI marriage.

When one or both spouses are originally from India but have since migrated to another country, or when both spouses are now living abroad but wish to marry in accordance with Indian law, the marriage is considered an NRI marriage. A non-resident Indian marriage can only involve the following couples, for the avoidance of doubt:

1. A male non-resident Indian (NRI) and
2. A female Indian (sometimes)
3. A married couple from India who go abroad together or separately
4. A couple from outside of India who marries under Indian law in India or abroad
5. A person born in India who marries a foreign national in accordance with Indian law, whether in India or elsewhere.

People are enticed to participate in an NRI marriage for specific reasons. Here they are:

1. To live a lavish lifestyle in a foreign country,
2. Trying to achieve one's own goals (this is something that not everyone can do),
3. Leaving for a foreign nation in search of higher paying jobs,
4. Four, the dishonest goals of the non-resident Indian spouse who plans to betray and con their Indian partner.

DIGITAL GOVERNANCE IN NRI MARRIAGES

In order for governments to provide services that are effective, transparent, and focused on citizens thru the use of information and communication technologies, digital governance is a new, essential, and essential part of public administration and legal services. The resolution of administrative and legal concerns surrounding weddings amongst non-resident Indians is dependent on digital governance. As the world becomes more interconnected and more people move across the world for work, more and more governments are turning to digital platforms to keep track of important events like weddings, address citizen complaints, resolve legal disputes, and collaborate with other countries. Accessible, responsible, and transparent problem-solving for NRIs is made easier by such technological advancements.

The digital governance of marriage registration for non-resident Indians hinges on the digitization of the process and the management of related records. Courts, government agencies, embassies, and other authorized institutions have access to the secure electronic registration systems, which contain marriage records. A number of issues related to official data manipulation, double registration, fake weddings, and counterfeit documents can be mitigated using digital registration. In cases where you need to prove your identification or marital status in more than one country, where official documentation might not hold up, this can be a lifesaver. When it comes to NRI marriages, digital governance has also helped women get their complaints resolved. Government portals, online complaint systems, helplines, and digital support services thru embassies from outside allow victims of domestic violence, dowry harassment, marriage fraud, and abandoned women to lodge complaints. Reduced legal delays are possible thanks to these web-based platforms, which also allow affected individuals to maintain connections with government organizations. Women residing outside of urban areas may employ digital services since they may have limited access to traditional legal remedies.

An additional facet of digital governance is the rise of online communication and the use of digital courts. Video conferencing, internet hearings, petition filing, and document submission have all contributed to the improvement of cross-border matrimonial justice. Participants, attorneys, and witnesses from all over the world can take part via digital technologies, which can save the time and money needed for travel. With the help of e-courts and other online judicial services, courts are better able to handle the myriads of problems that can arise in weddings between non-resident Indians.

The numerous government agencies that handle NRI marriage can work together more effectively with digital governance. Law enforcement agencies, the Indian judiciary, the Ministry of Women and Child Development, and Indian embassies and missions around the world are all utilising digital communication platforms to communicate information and coordinate cases. It expedites the process of locating missing spouses, validating addresses abroad, serving court notices, and facilitating international legal cooperation, among other administrative tasks.

The accountability and openness of matrimonial law have been enhanced by digital governance. Computerized case management systems, secure document repositories, and central databases ensure that all court operations, registered marriages, unresolved disputes, and legal decrees are accurately recorded. By implementing these measures, administrative errors will be reduced, judicial monitoring will be strengthened, and institutional accountability will be heightened. Keep all of your crucial documents in one place with digital records, which also make it easier to preserve evidence.

Nevertheless, there are substantial digital governance barriers in NRI matrimonial situations. On a global scale, data sharing is intricate. The legal systems of different countries are very different from one another. Concerns regarding privacy and security in cyberspace. Some people do not have access to digital infrastructure. For many impacted individuals, access to online legal services remains elusive due to language hurdles, poor levels of computer competence, and general ignorance. In order to address these concerns and ensure that all stakeholders are included in digital governance, it is necessary to increase capacity, digital infrastructure, international cooperation, and legislative bodies.

STAKEHOLDER PERSPECTIVE

Due to the large number of people involved, including the husband and wife, their children, legal entities, and government officials, NRI marriages have emerged as a significant social and legal concern in India. From one party involved in an NRI marriage to another, the experience can vary greatly. A better economic situation, more international exposure, and migration are all possible outcomes of such marriages; nevertheless, issues with adjustment, communication, financial stability, abandonment, and access to justice are also possible outcomes. Examining the real nature of NRI weddings and the problems they cause requires comprehending the perspectives of various stakeholders.

1. Perspective of the Indian Spouse

One group that suffers the most when a foreign national marries an Indian is the Indian spouse. A lot of people get married for financial reasons, hoping to improve their level of living, increase their wealth, or even move abroad. Nevertheless, adjusting to a new social and cultural milieu after marriage can be challenging for some partners.

When an NRI spouse doesn't help out financially or emotionally, won't let them go abroad, or just disappears without a trace, things can get ugly. When one partner is based outside of India, it can be difficult for the Indian spouse to seek judicial intervention. When parties live in different countries, it can make maintenance, divorce, child custody, and implementation of court decisions more problematic.

2. Perspective of the NRI Spouse

When a married couple lives in different countries and cultures, it might be difficult for the non-resident Indian spouse to keep the marriage strong. Couples may have trouble communicating due to fundamental differences in values, norms, expectations, family dynamics, and social mores. Family in India and friends back home may put further pressure on the non-resident spouse.

However, the NRI spouse still has duties to their family and marriage. Before and after getting married, it's crucial to be honest about things like immigration status, job, money, and relationships that have ended in marriage. Serious disagreements might arise between couples due to a lack of communication or disclosure of pertinent facts.

3. Perspective of Parents and Family Members

Especially in cases where the marriage is planned thru family networks, parents and other family members play a major role in NRI marriages. Families may see a marriage to an NRI as a way to improve their economic situation and raise their level of living. One factor that impacts the decision to get married in some families is the likelihood of moving abroad.

But there are cases where families lack adequate information regarding the NRI spouse. Therefore, it is critical to verify information such as employment, residency, immigration status, income, marital status, and more. Inadequate premarital verification can lead to complications down the road and put the Indian spouse and their family at risk.

4. Perspective of Children

When it comes to divorce or separation in an NRI matrimonial conflict, the children are especially crucial parties to consider. When parents can't come to an agreement, it can have a negative impact on their children, particularly in areas like housing, schooling, maintenance, custody, and support.

Determining the child's permanent residence and the best means of keeping in touch with both parents becomes more complex when they reside in separate countries. In handling such cases, the courts and other relevant authorities must ensure that the child's welfare and best interests are adequately considered.

5. Perspective of Legal Professionals

When problems emerge from weddings between non-resident Indians, legal experts play a crucial role. Based on their experience, issues of jurisdiction, relevant law, notice serving, execution of court decisions, and recognition of proceedings or orders in another nation can arise in cross-border marriage conflicts.

In addition, attorneys help impacted spouses learn about their legal options in India. Clients may seek their counsel in matters pertaining to domestic abuse, child custody, maintenance, and divorce proceedings. In circumstances where one spouse resides abroad, it is extremely vital to have legal representation due to the practical challenges of conducting procedures.

6. Perspective of Government and Law-Enforcement Authorities

An additional group with a vested interest in NRI marriages are government agencies and ministries. Among their responsibilities is the enforcement of relevant legal provisions, the provision of victim assistance, and the prevention of fraudulent marriages.

One way to lessen the likelihood of fake matrimonial arrangements is to properly record marriages and verify pertinent facts. It may be required for Indian and foreign authorities to work together effectively in cases of abandonment, harassment, domestic abuse, and other similar offences. Spouses who are impacted can benefit from better protection if more agencies work together and raise awareness.

7. Perspective of Women's Rights Organizations and NGOs

Women who are victims of troubled NRI marriages frequently interact with women's groups and non-governmental organizations. Their duties may include advising clients on legal matters, giving short-term financial aid, and facilitating contacts with relevant authorities.

Additionally, these groups are able to spot real-world issues that would not be obvious from the law alone. Thus, their stories might shed light on problems including financial hardship, lack of knowledge about legal options, desertion, and domestic abuse.

8. Perspective of Society and Community

Social attitudes and expectations also play a role in determining the marrying status of NRIs. Some segments of Indian society still hold the view that a marriage connection between non-resident Indians (NRIs) is desirable due to the positive connotations connected with migration options, social standing, and financial success. People and their families can feel a lot of strain when these expectations are high.

Also, families are becoming more careful as a result of the growing awareness of the issues linked to NRI weddings that go wrong. A person's background, employment, marital status, character, and willingness to fulfill marital responsibilities are being more carefully evaluated than just their NRI status.

LEGAL ISSUES AND CHALLENGES

Major issues

Not all non-resident Indian weddings are disasters; in fact, some have brought nothing but joy and prosperity to both spouses. Of course, there have also been documented instances of violence, abandonment, and deception in such marriages. The Indian female spouse is almost always the sole one who suffers as a result of these behaviors committed by the NRI male spouse. The term "victim" is employed to highlight the cruel punishment inflicted upon these ladies. The term "victim" will have a more specific meaning in the next sections. Nevertheless, let's focus on the problems that come up in this type of marriage for the time being:

1. The primary goal of most non-resident Indian marriages is not to promote marital harmony. Everyone involved in an NRI marriage is guilty of this, whether you want to call it avarice or selfishness. In most situations, the non-resident Indian (NRI) husband leaves his wife once he receives the dowry money. However, there are rare cases where the wife decides to leave her husband's company as soon as she reaches foreign land. Marriage isn't important to these individuals. Marital duties take a back seat to individual aspirations.
2. Becoming a permanent resident in a foreign country is no easy feat. In the US, for instance, domestic partners on an H4 visa cannot work for pay and are not eligible for a Social Security number. Not having this makes it impossible to open a bank account or get a driver's license; thus, if one is not working, they risk deportation to their home country because they do not have the legal right or status to be in the host nation.
3. Although first appealing, the abrupt shift in lifestyle becomes too much for one partner to handle. The enormous shift in cultural norms just makes matters worse. Oftentimes, one partner in a married couple struggles to adjust to the new culture and way of life when they move to a foreign country. This causes problems in the marriage and, by extension, in the families of the husband and wife.
4. The NRI husband, who is typically a man, poses the constant threat of violence or abandonment. He may be harsh to the wife and their children, if any. He could harm or threaten the family members, including the wife and children.

Legal challenges

Although NRI marriages are typically filled with excitement, they can also present their own set of legal hurdles. Different cultural norms, intricate family relationships, and different legal systems in different countries all contribute to these difficulties. In order to successfully traverse certain legal obstacles, it is essential that NRIs and their families understand these concerns.

1. Jurisdictional Complexities

Deciding whether court has jurisdiction over a dispute is a major obstacle for lawyers dealing with NRI marriages. Divorce, child custody, and maintenance are just a few examples of how problems involving non-resident aliens (NRIs) might involve more than one judicial system. Conflicts over authority might arise when courts in both the home nation and India assert their authority.

2. Divorce and Maintenance

Divorce is a very difficult process for NRI spouses. Divorce laws, processes, and outcomes can differ substantially across nations. As an example, it is important to note that a divorce order issued by a foreign court may not necessarily be acknowledged in India unless it fulfils the requirements established by Indian

law. Also, alimony and maintenance might be tough to get, particularly if one partner lives in a country with distinct laws.

3. Child Custody and Abduction

Divorce proceedings involving non-resident Indians (NRIs) can be extremely intricate. The well-being of the kid, the parent's habitual residency, and the execution of a custody order from another country are common factors in international custody battles. International treaties, like the Hague Convention on the Civil Aspects of International Child Abduction, step in to clarify the legal situation when a parent abducts their child and takes them abroad without their will.

4. Dowry and Domestic Violence

Legal issues involving dowry demands and domestic violence can also affect non-resident Indians. Spouses in India are protected by legislation like the Protection of Women from Domestic Violence Act and the Dowry Prohibition Act. When the accused person lives outside of India, tho, enforcement becomes more challenging. In order to bring those responsible to justice, it is frequently required to request their extradition and for international cooperation.

5. Property Disputes

Legal issues involving property are also prevalent in weddings between NRIs. Divorce processes can give rise to disagreements about assets, whether such assets are located in India or elsewhere. Protecting one's property rights necessitates getting the necessary paperwork and having an attorney.

6. Cultural and Legal Differences

Misunderstandings and arguments in NRI marriages can also arise from cultural differences. Marriage, divorce, and family law may be construed differently by different legal systems around the world. For instance, differences in marriage and divorce laws between Indian law and Sharia law-based countries could cause complications.

7. Legal Recourse and Support

Legal counsel who are knowledgeable in both Indian and international law should be sought out by non-resident Indians who are experiencing marital problems. One possible line of action is to:

- Mediation and Alternative Dispute Resolution (ADR): Encouraging amicable settlements.
- Litigation: Pursuing cases in the appropriate jurisdiction.
- Legal Aid: Accessing support from Indian embassies and consulates.

CONCLUSION

The study's most salient findings are that social and economic factors make women in NRI marriages susceptible to various forms of harassment. While protections are in place, it might be difficult for an Indian spouse who is not a resident to actually use them. The study also highlighted the importance of social networks in helping women cope with the emotional impact of harassment. Relevance and Innovation in Research This study's findings could have significant benefits for multiple groups. Understanding the complexities of the link between marriages to non-resident Indians and harassment of women is aided by this study. The results educate policymakers, legal practitioners, and support groups on the relevance of cultural dynamics, economic concerns, and legal hurdles. The findings stress the need for more public education, more economic engagement of women, and international cooperation to reduce the likelihood of women being exploited.

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