

<http://www.moia.gov.in/showinfo1.asp?linkid=359>

SCHEME FOR THE WELFARE OF WOMEN DESERTED BY THEIR OVERSEAS INDIAN SPOUSES

I. Objective:

The objective of the scheme is to provide some financial assistance to needy women in distress who have been deserted by their overseas Indian spouses for obtaining counseling and legal services. The term "Overseas Indian" would include NRIs and foreign citizens of Indian origin. The counseling and legal services would be provided through credible Indian Women's Organizations/Indian Community Associations and NGOs identified for providing such services and empanelled with the Indian Missions in the USA, the UK, Canada, Australia, and the Gulf. The scheme is a welfare measure to support women of Indian origin in distress, through the mobilization of the local Indian community in the endeavour and with some financial assistance from the Government.

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II. Scope of and Eligibility for the Scheme:

The scheme would be available to the women who have been deserted by their overseas Indian spouses or are facing divorce proceedings in a foreign country subject to the following conditions:-

- (i) The woman is an Indian passport holder.
- (ii) The marriage of the woman has been solemnized and registered in India.
- (iii) The woman is deserted in India or after reaching abroad within two years of the marriage.
- (iv) Divorce proceedings are initiated within two years of the marriage by her overseas Indian spouse.
- (v) An ex-parte divorce has been obtained by the overseas Indian spouse and a case for maintenance and alimony is to be filed.
- (vi) The scheme would not be available to a woman facing criminal charges or having a criminal case decided against her.
- (vii) The domicile of the woman seeking relief under the scheme is not relevant for allowing the benefit. The woman may be domiciled in the country of her overseas Indian spouse or in India at the time of making the application.

- (viii) Preference may be given to applicants on the basis of financial needs.
- (ix) Assistance will be limited to meeting initial cost and incidental charges for documentation and filing of the case by the Indian women's organization/NGO on the woman's behalf.
- (x) The assistance will be limited to US \$1000 per case and will be released to the Indian community organizations/NGO concerned to enable it to take steps to assist the woman in documentation and preparatory work for filing the case.
- (xi) The women's organization/NGO will make efforts to enlist community advocates, preferably women advocates, to extend further legal assistance/ appearance in court etc on a pro-bono basis.

Pattern of Assistance

Under the scheme Indian Missions in the countries concerned would empanel credible Indian Women's Organizations/ Indian Community Associations/NGOs and their member advocates, preferably women, to provide legal aid to the victims in distress and whose names have been approved by the Ministry of Overseas Indian Affairs. The applications for providing legal aid received by the Missions would be examined by an officer designated by the Head of the Mission on case-to-case basis and approved by Head of Mission/Deputy Chief of the Mission.

The applications received in the Ministry of Overseas Indian Affairs will be examined by an internal committee consisting of a legal advisor and an officer of the rank of Director/Deputy Secretary and approved by Secretary. Thereafter, the Ministry will recommend the case to Mission concerned to provide legal aid support. The applicant would also be informed to approach the Mission concerned in this regard.

Financial Grants to Embassies/High Commissions:

In the current year the Ministry of Overseas Indian Affairs would initially sanction Rs. 40 lakhs each to the Indian Missions in USA, UK, Canada, Australia, and the Gulf subject to review next year. Thus, in the current year the budget provision for this scheme will be Rs. 2 crore. The expenditure incurred on the scheme would be debited to the following Budget Head each year.

Major Head : 2061 (External Affairs)
Minor Head : 00.800 (Other Expenditure)
 03 (Other Schemes)
 03.00.50 (Other Charges)

**Government of India
Ministry of Overseas Indian Affairs**

A meeting was held on 19th October, 2006 in the chamber of Secretary MOIA to discuss the scheme for giving financial aid for the welfare for the women deserted by their overseas Indian spouses. The officers who attended is at annexure – 'A'.

It was noted that the objective of the scheme was to provide some financial support to women of Indian origin in distress to obtain advisory and legal services as a welfare measure. The term overseas Indian would include NRIs and foreign citizens of Indian origin. The counseling and legal services would be provided by a panel of community advocates, preferably women advocates, through credible Indian Associations and women's organizations, NGOs working in the field of Women's Welfare empanelled with our Missions in the USA, UK, Canada, Australia, Germany, Malaysia, New Zealand and the Gulf.

After detailed discussions on the draft scheme circulated the following decisions were taken:

1. The scheme would be implemented through credible Indian women's organization/ Indian Community Associations/NGOs working in the field of women's welfare to be empanelled with the Indian Missions, to begin with, in the USA, the UK, Canada and the Gulf.
2. The women's organization/NGOs must be preferably already engaged in the welfare and protection of women in distress.
3. The organization who will enlist Indian community advocates, preferably women advocates, to do voluntary work and provide legal assistance/counseling services for a pro-bono basis.
4. The scheme would cover the types of cases listed below:
 - (i) A woman whose marriage is solemnized and registered in India but who is deserted in India or overseas within two years of the marriage.
 - (ii) Divorce proceedings initiated by the spouse within two years of the marriage.
 - (iii) An ex-parte decree of divorce or annulment of the marriage is obtained by the spouse and a case for maintenance/alimony is required to be filed.
5. The assistance under the scheme would be limited to \$1000 per case to enable the organization/NGO to undertake initial work/documentation required for the legal proceedings on the women's behalf.
6. The scheme will be circulated amongst Indian community Associations by the Missions concerned for information and publicity and sent to the credible Indian women's organizations/ Indian Community Associations/ NGOs working in the field of women's welfare inviting them to apply for empanelment under the scheme.
7. The applications received by Ministry of Overseas Indian Affairs seeking assistance will be examined by a committee in MOIA consisting of a legal advisor and Director (SS). Based on this scrutiny and approval of the MOIA, the cases will be recommended to our Missions for sanctioning assistance to the woman in distress through the organizations/NGOs concerned. The applications from victims of NRI marriages received directly by the Indian Missions abroad will be examined and approved by the Head of Mission/ Deputy Chief of Mission.
8. The scheme would be revised on the lines and IFD concurrence/approval of the competent authority obtained for early action.
