

**NRI MARRIAGES AND LEGAL REFORM IN INDIA@2047:
STRENGTHENING THE REGISTRATION OF MARRIAGE OF NON-
RESIDENT INDIAN BILL, 2019****Dr. Dipalee Bipin Mulmulay**

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Abstract

NRI marriages have become an important area of legal concern in India due to the increasing occurrence of matrimonial disputes involving abandonment, matrimonial grievances, jurisdictional conflicts, child custody, and difficulties in accessing effective legal remedies. The transnational nature of such disputes often results in the simultaneous application of Indian and foreign laws, creating practical difficulties for Indian spouses seeking justice. In this context, the Registration of Marriage of Non-Resident Indian Bill, 2019 was introduced with the objective of strengthening the legal framework governing NRI marriages, particularly through compulsory registration of such marriages and mechanisms for service of summons abroad. However, concerns remain regarding the limited scope of the proposed legislation in addressing the wider range of matrimonial disputes. The present study examines the role and adequacy of the Registration of Marriage of Non-Resident Indian Bill, 2019 in addressing NRI matrimonial disputes and considers the legal reforms necessary in the context of India@2047. The study adopts a socio-legal methodology, combining doctrinal and non-doctrinal approaches. The doctrinal component analyses relevant Indian and foreign laws, judicial decisions, legal literature, and Law Commission Reports, while the empirical component is based on data collected through a structured questionnaire from 100 Hindu women who experienced matrimonial disputes with NRI husbands residing in the United States of America or Canada. The Chi-square test was employed to analyse the empirical data. The findings indicate that respondents have mixed perceptions regarding the adequacy of the 2019 Bill. A substantial proportion remained neutral regarding whether its enactment would adequately address NRI matrimonial disputes and ensure fair resolution of custody and marital grievances. However, 70% of respondents expressed the view that implementation of the Bill would improve the effectiveness of legal proceedings relating to NRI matrimonial disputes. The study therefore argues that while the Bill represents an important legislative step, its limited scope necessitates further strengthening to address issues such as maintenance, divorce, custody, jurisdiction, enforcement of orders, and protection of spouses and minor children. The paper proposes a more comprehensive and responsive legal framework as part of India's aspiration towards India@2047.

Keywords: NRI Marriages; India@2047; Registration of Marriage of Non-Resident Indian Bill, 2019; Matrimonial Disputes; Legal Reform; Child Custody; Hindu Wives; Access to Justice.

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1. Review of Literature

The existing literature on NRI marriages demonstrates that the legal problems arising from transnational matrimonial relationships cannot be adequately addressed through ordinary domestic matrimonial law alone. The literature encompasses family-law scholarship, private international law, judicial decisions concerning foreign matrimonial decrees and child custody, parliamentary and Law Commission reports, and recent research on the Registration of Marriage of Non-Resident Indian Bill, 2019. The following review examines these sources to understand the development of the legal framework, identify the limitations of the 2019 Bill, and assess the need for further legal reform in the context of India@2047.

1.1 Books

1.1.1 Flavia Agnes – *Family Law, Volume 2: Marriage, Divorce, and Matrimonial Litigation*

Flavia Agnes examines Indian matrimonial law through the perspective of gender justice and contemporary social realities. The book discusses marriage, divorce, matrimonial litigation, maintenance, matrimonial residence, custody and guardianship, and specifically considers **NRI marriages and registration of marriages**. Its emphasis on ground-level litigation is particularly relevant to understanding why statutory remedies may not always translate into effective protection for women involved in transnational matrimonial disputes.

The work is significant for the present study because it demonstrates that NRI matrimonial disputes must be examined not merely as questions of personal law but also in terms of access to justice, procedural difficulties, gender inequality and the practical functioning of matrimonial remedies.

1.1.2 Stellina Jolly and Saloni Khanderia – *Indian Private International Law*

Jolly and Khanderia provide a contemporary examination of private international law in India, covering jurisdiction, applicable law, recognition and enforcement of foreign judgments, and family matters. The authors also compare Indian principles with approaches adopted in jurisdictions including the United States, Canada, the United Kingdom, Australia and other common-law systems.

The book is particularly relevant to NRI matrimonial disputes because such disputes frequently involve competing jurisdictions and questions concerning the recognition of foreign matrimonial orders. It supports the argument that reform of NRI matrimonial law must be accompanied by clearer conflict-of-law rules and mechanisms for international cooperation.

1.1.3 V. C. Govindaraj – *Private International Law: A Case Study*

Govindaraj critically analyses Indian judicial decisions concerning conflict of laws and specifically includes separate discussions on **marriage and matrimonial causes, custody of minors, validity of marriage, foreign judgments and recognition and enforcement**.

The work provides an important doctrinal foundation for analysing NRI matrimonial disputes because it demonstrates how Indian courts have developed private international law principles in the absence of a comprehensive codified framework. It therefore supports the need to examine whether judicially developed principles alone are sufficient for the contemporary challenges posed by NRI marriages.

1.1.4 Archana Parashar and Amita Dhanda (Eds.) – *Redefining Family Law in India*

This edited volume adopts a contemporary and interdisciplinary approach to Indian family law and examines family law through the concepts of equality, justice, social realities and reform. It questions the limitations of traditional approaches based solely on religious personal laws and considers ways of developing a fairer and more responsive family-law system.

Although the work is not exclusively concerned with NRI marriages, its emphasis on reforming family law and responding to the changing realities of families is relevant to the present study.

NRI marriages represent precisely such a changing social and legal reality, requiring matrimonial law to respond to international mobility and cross-border disputes.

1.2 Research Articles and Journal Papers

1.2.1 Bharat H. Desai – *On the Protection of Women in the Non-Resident Indian Marriages: An Interface Between Domestic Law and International Law*

Desai examines the protection of women in NRI marriages at the intersection of Indian domestic law, private international law and public international law. The article analyses the Registration of Marriage of Non-Resident Indian Bill, 2019 and argues for stronger international legal engagement and a comprehensive legislative mechanism for protecting women affected by fraudulent and abandoned NRI marriages.

The article is particularly significant because it demonstrates that the problem cannot be solved merely through registration. Effective protection requires coordination between domestic legislation, international mechanisms and institutional agencies.

1.2.2 Bharat H. Desai, Mayank Sharma, Santosh Upadhyay, and Moumita Mandal – *On Ensuring Protection of Women in the NRI Marriages: Some Legal and Institutional Issues*

This Economic & Political Weekly commentary examines the legal and institutional difficulties faced by women trapped in NRI marriages. It discusses the existing Indian legal framework and the international-law dimensions of the problem and proposes institutional and legal measures for strengthening protection. The article was published in *Economic & Political Weekly*, 57(29), on 16 July 2022.

The study is relevant to the present research because it highlights that effective legal protection requires not merely legislation but also institutional coordination and implementation mechanisms.

1.2.3 Vidhi Deepak Sharma – *Fraudulent NRI Marriages and the Issues Related to NRI Marriages*

Sharma examines fraudulent NRI marriages and identifies abandonment, domestic violence, dowry demands, foreign divorce proceedings, jurisdictional conflicts and child custody as interconnected problems. The article also considers the Registration of Marriage of Non-Resident Indian Bill, 2019 as a legislative response.

The study demonstrates the multidimensional character of NRI matrimonial disputes and supports the argument that registration alone cannot resolve problems relating to divorce, maintenance, custody and enforcement.

1.2.4 Nilkanth Ghanshyambhai Bhatt and Rajendra I. Parikh – *Remedies for Matrimonial Disputes in NRI Marriages*

This recent study examines the legal remedies available in NRI matrimonial disputes, including provisions under the Hindu Marriage Act, 1955, the Special Marriage Act, 1954, the Protection of Women from Domestic Violence Act, 2005, and other relevant laws. It also discusses jurisdiction, foreign judgments, international cooperation and the difficulties associated with cross-border enforcement.

The authors conclude that effective resolution requires coordinated legal reform, international cooperation and institutional support. This recent literature reinforces the continuing relevance of legislative reform despite the introduction of the 2019 Bill.

1.2.5 Aparna, T., and Vibhudi Venkateshwarlu – *Law Relating to Marriage and Divorce: A Critical Study on NRI Marriages in India*

This recent study examines marriage and divorce involving NRIs with particular emphasis on jurisdiction, recognition of foreign judgments, maintenance, abandonment, bigamy and child

custody. It concludes that significant gaps remain in the existing legal framework and advocates stronger legal procedures, international coordination and comprehensive legislation.

The article is particularly useful for the present research because it demonstrates that, even after the introduction of the 2019 Bill and subsequent policy developments, significant legal gaps continue to exist.

1.3 Government and Parliamentary Reports

1.3.1 Law Commission of India, Report No. 219 (2009)

The **219th Report**, *Need for Family Law Legislations for Non-resident Indians* was one of the major early official examinations of the problem. It identified difficulties relating to NRI marriages and recommended legislative measures to protect Indian spouses, including stronger registration mechanisms and appropriate legal remedies.

The Report is important because it demonstrates that the need for specific legislation governing NRI matrimonial disputes predates the 2019 Bill by a decade.

1.3.2 Standing Committee on Empowerment of Women, Twelfth Report (2007)

The Committee's **Twelfth Report on the Plight of Indian Women Deserted by NRI Husbands** highlighted the vulnerability of Indian women abandoned by overseas spouses and recommended stronger mechanisms for registration, legal assistance and protection. The report was subsequently cited as an important policy basis for mandatory registration of NRI marriages.

This report demonstrates that the concerns underlying the 2019 Bill have been recognised by Parliament for many years.

1.3.3 Standing Committee on External Affairs, Third Report (2019–2020)

The Standing Committee examined the **Registration of Marriage of Non-Resident Indian Bill, 2019** and submitted its Third Report on 13 March 2020. Importantly, the Committee observed that the Bill was **not comprehensive**, as its provisions were principally directed towards registration and procedural mechanisms. It recommended that legislation should address broader issues including **divorce, maintenance and child custody**.

This Report directly supports the central proposition of the present paper that the 2019 Bill should be strengthened rather than treated as a complete solution.

1.3.4 Law Commission of India, Report No. 287 (2024)

The **22nd Law Commission's Report No. 287**, *Law on Matrimonial Issues Relating to Non-Resident Indians and Overseas Citizens of India* represents the most significant recent development. The Commission examined the 2019 Bill and concluded that central legislation should be sufficiently comprehensive to address the various facets of marriages involving NRIs and Overseas Citizens of India and Indian citizens.

The Report is particularly important for an **India@2047** perspective because it provides a contemporary legislative roadmap and confirms that the 2019 Bill, in its existing form, does not adequately address the entire spectrum of NRI matrimonial disputes.

1.4 Landmark Judicial Decisions

1.4.1 *Satya v. Teja Singh*, (1975) 1 SCC 120

The Supreme Court examined the recognition in India of a divorce decree obtained from a U.S. court and emphasised the limitations imposed by Section 13 of the Code of Civil Procedure, 1908. The decision established an important foundation for the treatment of foreign matrimonial judgments in India, particularly where jurisdiction or fraud is in question.

1.4.2 *Y. Narasimha Rao v. Y. Venkata Lakshmi*, (1991) 3 SCC 451

This landmark decision laid down important principles governing recognition of foreign matrimonial decrees in India. The Supreme Court held that a foreign matrimonial decree must

satisfy the jurisdictional and substantive requirements recognised by Indian matrimonial law before it can be treated as conclusive in India.

The decision remains central to NRI matrimonial disputes because it demonstrates the difficulty of reconciling foreign matrimonial proceedings with the personal law governing the marriage in India.

1.4.3 *Neeraja Saraph v. Jayant V. Saraph*, (1994) 6 SCC 461

The Supreme Court specifically addressed the problems faced by Indian women in NRI marriages and recognised the need for legislative safeguards. The decision is particularly significant because it moved beyond deciding the individual dispute and highlighted the necessity of legislative intervention to protect women entering into marriages with NRIs.

1.4.4 *Sheenam Raheja v. Amit Wadhwa*, 2012 SCC OnLine Del 1452

The Delhi High Court applied the principles relating to recognition of foreign matrimonial decrees and emphasised that a marriage governed by Indian matrimonial law cannot simply be dissolved through a foreign proceeding on a ground that is not available under the applicable Indian law. The decision illustrates the continuing practical difficulties created by parallel matrimonial proceedings in India and abroad.

1.4.5 *Nithya Anand Raghavan v. State (NCT of Delhi)*, (2017) 8 SCC 454

The Supreme Court dealt with a cross-border child custody dispute involving a child brought from the United Kingdom to India. The Court held that the existence of a foreign custody order does not automatically determine the Indian court's decision and that the **welfare and best interests of the child remain paramount**.

The judgment is significant for NRI matrimonial reform because it illustrates the complexity of cross-border custody disputes and the need for clear statutory and institutional mechanisms for dealing with competing foreign and Indian proceedings.

1.5 Research Gap

The literature demonstrates that NRI matrimonial disputes have been examined from several perspectives, including personal law, private international law, foreign matrimonial decrees, abandonment of Indian spouses, child custody, jurisdiction and international cooperation. The Law Commission of India and parliamentary committees have repeatedly identified deficiencies in the existing legal framework, while judicial decisions have developed principles for dealing with foreign matrimonial judgments and cross-border custody disputes. More recent scholarship has continued to identify problems of enforcement, jurisdiction and institutional coordination.

However, the literature also reveals a significant gap. Much of the earlier scholarship evaluates the **general need for legislation** or examines individual legal problems such as foreign divorce, maintenance, custody or registration. Relatively less attention has been given to evaluating the **Registration of Marriage of Non-Resident Indian Bill, 2019 as a specific legislative instrument**, particularly in light of subsequent parliamentary and Law Commission developments. Further, there is limited empirical assessment of whether persons directly affected by NRI matrimonial disputes consider the Bill sufficient to address their legal grievances.

The present study seeks to address this gap by combining doctrinal legal analysis with empirical evidence to assess the adequacy of the 2019 Bill. It examines respondents' perceptions regarding whether the Bill can adequately address NRI matrimonial disputes, provide fair resolution of custody and matrimonial grievances, and improve the effectiveness of legal proceedings. The study consequently moves beyond the question of whether NRI marriages require regulation and examines **how the existing legislative proposal can be strengthened to create a more**

comprehensive and effective legal framework appropriate for India's future as a globally connected nation by 2047.

2. Research Methodology

2.1 Objective

To critically evaluate the **Registration of Marriage of Non-Resident Indian Bill, 2019** and suggest necessary amendments to strengthen its effectiveness in addressing NRI matrimonial disputes and ensuring justice for Hindu wives and their minor children. This objective is consistent with the fourth objective of the original research.

2.2 Hypothesis

H₀: The enactment of the Registration of Marriage of Non-Resident Indian Bill, 2019 will not be sufficient for the proper and just redressal of NRI matrimonial disputes.

H₁: The enactment of the Registration of Marriage of Non-Resident Indian Bill, 2019 will be sufficient for the proper and just redressal of NRI matrimonial disputes.

The hypothesis is derived directly from the original thesis hypothesis, which examined whether enactment of the 2019 Bill would be sufficient for proper and just redressal of NRI marital disputes.

2.3 Research Design

The present study adopts an **analytical research design** combining **doctrinal and non-doctrinal research methods**. The doctrinal component involves systematic analysis of relevant national and international laws, legislative bills, judicial decisions, books, research articles, national and international journals, and Law Commission Reports relating to NRI marriages and matrimonial disputes.

The non-doctrinal component is based on empirical data collected through a **structured questionnaire** administered to Hindu women who had married NRI husbands residing in the **United States of America or Canada** and whose marriages could not be sustained. A total sample of **100 respondents** was selected for the study.

2.4 Data Collection

Primary data were collected through a structured questionnaire. The questionnaire contained sections covering the respondents' personal information, information relating to their husbands, factors influencing the marriage, causes of matrimonial disputes, legal disputes, challenges in verification, information relating to children, marriage registration, and questions specifically designed to test the research hypotheses. Questions **31 to 42** constituted the hypothesis-related component of the questionnaire.

For the present study, questions **40, 41 and 42** were used to examine respondents' perceptions regarding the adequacy and effectiveness of the Registration of Marriage of Non-Resident Indian Bill, 2019.

2.5 Sample

The study is based on a sample of **100 Hindu women** who had married NRI husbands residing in the United States of America or Canada and had experienced matrimonial difficulties resulting in the failure of their marital relationship.

2.6 Data Analysis and Statistical Technique

The collected data were classified and tabulated and analysed using statistical techniques. A **non-parametric one-sample Chi-square (χ^2) test** was applied to test the hypothesis. The test examined whether the observed frequencies of responses differed significantly from the expected frequencies

across the five response categories: **Strongly Disagree, Disagree, Neutral, Agree, and Strongly Agree.**

For each of the three statements, the expected frequency was **20 respondents per category**, giving a total expected frequency of 100. The Chi-square test was conducted at a **5% level of significance ($\alpha = 0.05$) with 4 degrees of freedom.** The three statements produced χ^2 values of **41.600, 70.300, and 46.700**, respectively, with **$p < 0.001$** in each case.

2.7 Variables Examined

The empirical analysis focused on three dimensions of the 2019 Bill:

1. **Adequacy of the Bill in addressing NRI matrimonial disputes;**
2. **Adequacy of its provisions for fair resolution of custody and matrimonial grievances; and**
3. **Potential of its implementation to improve the effectiveness of legal proceedings in NRI matrimonial disputes.**

This methodology allows the study to combine **doctrinal evaluation of the 2019 Bill with empirical evidence from women who have personally experienced NRI matrimonial disputes**, thereby providing both legal and practical perspectives on the need for strengthening the legislative framework.

3. Data Analysis

Chi-square Analysis

To examine the adequacy and effectiveness of the Registration of Marriage of Non-Resident Indian Bill, 2019 in addressing NRI marital disputes, a one-sample non-parametric Chi-square (χ^2) test was applied. The analysis focused on three statements relating to the ability of the Bill to address issues arising from NRI marital disputes, ensure fair resolution of custody and marital grievances, and improve the effectiveness of legal proceedings.

The responses were measured on a five-point Likert scale comprising Strongly Disagree, Disagree, Neutral, Agree, and Strongly Agree. The analysis was based on responses from 100 respondents, with an expected frequency of 20 for each response category. The Chi-square test was conducted with 4 degrees of freedom.

The results indicate statistically significant differences between the observed and expected frequencies for all three statements. The calculated Chi-square values were 41.600, 70.300, and 46.700, respectively, with 4 degrees of freedom and p-values of 0.000 in all three cases. Since the p-values are less than 0.05, the null hypothesis is rejected and the alternative hypothesis is accepted.

To test the above hypothesis, the non-parametric Chi-square (χ^2) test was applied, and the results are presented below.

Table 4.1: Chi-square Test Statistics

Test Statistics			
	Question: The enactment of The Registration of Marriage of Non-Resident Indian Bill, 2019 will adequately address the issues arising from NRI marital disputes.	Question: The provisions of The Registration of Marriage of Non-Resident Indian Bill, 2019 are sufficient to ensure fair resolution of custody and marital	Question: Implementing The Registration of Marriage of Non-Resident Indian Bill, 2019 will improve the effectiveness of legal proceedings related to NRI marital disputes.

		grievances involving NRI couples.	
Chi-Square	41.600 ^a	70.300 ^a	46.700 ^a
Df	4	4	4
p-value	.000	.000	.000
a. 0 cells (0.0%) have expected frequencies less than 5. The minimum expected cell frequency is 20.0.			

Interpretation

The above results indicate that the p-values are less than 0.05 for all three statements. Therefore, the null hypothesis is rejected and the alternative hypothesis is accepted. There is a statistically significant difference in the opinions of respondents regarding the adequacy and effectiveness of the Registration of Marriage of Non-Resident Indian Bill, 2019 in addressing NRI marital disputes.

Table 4.2: Question: The enactment of the Registration of Marriage of Non-Resident Indian Bill, 2019 will adequately address the issues arising from NRI marital disputes.

The enactment of The Registration of Marriage of Non-Resident Indian Bill, 2019 will adequately address the issues arising from NRI marital disputes.			
	Observed N	Expected N	Residual
Strongly Disagree	6	20.0	-14.0
Disagree	14	20.0	-6.0
Neutral	62	20.0	42.0
Agree	10	20.0	-10.0
Strongly Agree	8	20.0	-12.0
Total	100		

Interpretation

The observed frequencies reveal mixed opinions regarding the effectiveness of the Registration of Marriage of Non-Resident Indian Bill, 2019 in addressing issues arising from NRI marital disputes. The **Neutral** category recorded the highest frequency, with **62 respondents**, which is substantially higher than the expected frequency of 20 and represents a positive residual of 42.

In comparison, **6 respondents strongly disagreed** and **14 respondents disagreed**, while only **10 respondents agreed** and **8 respondents strongly agreed** with the statement. The negative residuals in the Strongly Disagree, Disagree, Agree, and Strongly Agree categories indicate that the observed frequencies in these categories were lower than the expected frequency.

The findings therefore indicate considerable neutrality among respondents regarding whether enactment of the Bill would adequately address the issues arising from NRI marital disputes. The high proportion of neutral responses suggests uncertainty regarding the adequacy and comprehensive effectiveness of the proposed legislation.

Conclusion

The data indicate that the majority of respondents are **neutral** about the adequacy of the Registration of Marriage of Non-Resident Indian Bill, 2019 in addressing NRI marital disputes. The substantial positive residual in the Neutral category reflects considerable uncertainty regarding the effectiveness of the Bill in providing comprehensive redressal.

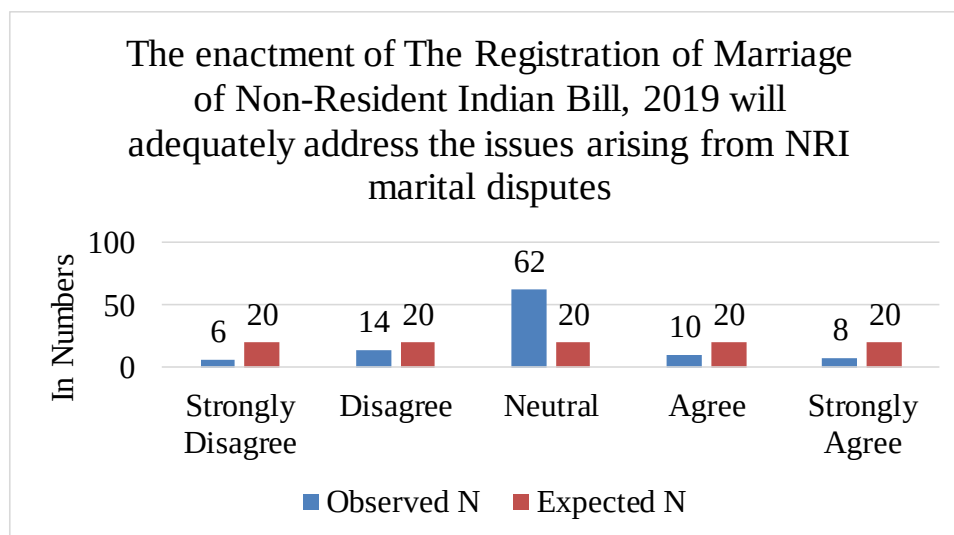


Figure 4.1

Interpretation

The graphical representation shows that the observed frequencies for **Agree** and **Strongly Agree** are substantially higher than the expected frequency, whereas the frequencies for **Strongly Disagree**, **Disagree**, and **Neutral** are considerably lower. This indicates a strong positive response towards the view that NRI marital grievances adversely affect the well-being of minor children.

Question: The provisions of the Registration of Marriage of Non-Resident Indian Bill, 2019 are sufficient to ensure fair resolution of custody and marital grievances involving NRI couples.

The provisions of The Registration of Marriage of Non-Resident Indian Bill, 2019 are sufficient to ensure fair resolution of custody and marital grievances involving NRI couples.			
	Observed N	Expected N	Residual
Strongly Disagree	4	20.0	-16.0
Disagree	9	20.0	-11.0
Neutral	64	20.0	44.0
Agree	15	20.0	-5.0
Strongly Agree	8	20.0	-12.0
Total	100		

Interpretation

The observed frequencies indicate a significant level of neutrality regarding the sufficiency of the Registration of Marriage of Non-Resident Indian Bill, 2019 in ensuring fair resolution of custody and marital grievances involving NRI couples. The **Neutral** category recorded the highest frequency, with **64 respondents**, which is 44 higher than the expected frequency of 20.

Only **4 respondents strongly disagreed** and **9 respondents disagreed** with the statement, while **15 respondents agreed** and **8 respondents strongly agreed**. The negative residuals in all categories except Neutral indicate that the observed frequencies were lower than the expected frequency in those categories.

The findings demonstrate substantial neutrality and limited confidence regarding the ability of the existing provisions of the Bill to ensure fair resolution of custody and matrimonial grievances involving NRI couples.

Conclusion

The data show **widespread neutrality** regarding the sufficiency of the Registration of Marriage of Non-Resident Indian Bill, 2019 for ensuring fair resolution of custody and marital grievances involving NRI couples. The findings suggest that respondents do not clearly perceive the proposed legislation as sufficient to address the wider range of matrimonial and custody-related problems arising from NRI marriages.

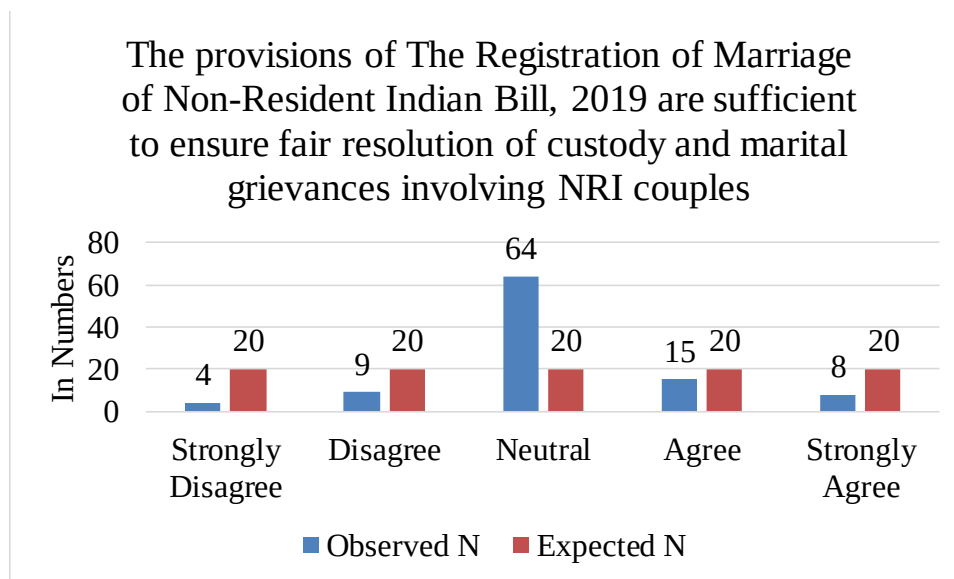


Figure 4.2

Question: Implementing the Registration of Marriage of Non-Resident Indian Bill, 2019 will improve the effectiveness of legal proceedings related to NRI marital disputes.

Implementing The Registration of Marriage of Non-Resident Indian Bill, 2019 will improve the effectiveness of legal proceedings related to NRI marital disputes.			
	Observed N	Expected N	Residual
Strongly Disagree	4	20.0	-16.0
Disagree	6	20.0	-14.0
Neutral	20	20.0	.0
Agree	39	20.0	19.0
Strongly Agree	31	20.0	11.0
Total	100		

Interpretation

The observed frequencies reveal significant support for the view that implementation of the Registration of Marriage of Non-Resident Indian Bill, 2019 would improve the effectiveness of legal proceedings relating to NRI marital disputes. **39 respondents agreed and 31 respondents strongly agreed**, giving a combined positive response of **70%**.

In comparison, only **4 respondents strongly disagreed** and **6 respondents disagreed**, while **20 respondents remained neutral**. The positive residuals of **19 for Agree** and **11 for Strongly Agree** indicate that these responses were substantially higher than the expected frequency of 20. The findings therefore demonstrate considerable support among respondents for the implementation of the Bill as a mechanism for improving the effectiveness of legal proceedings in NRI matrimonial disputes.

Conclusion

The majority of respondents believe that **implementing the Registration of Marriage of Non-Resident Indian Bill, 2019 will improve the effectiveness of legal proceedings related to NRI marital disputes**. The combined 70% response in the Agree and Strongly Agree categories demonstrates substantial support for the implementation of the proposed legislation.

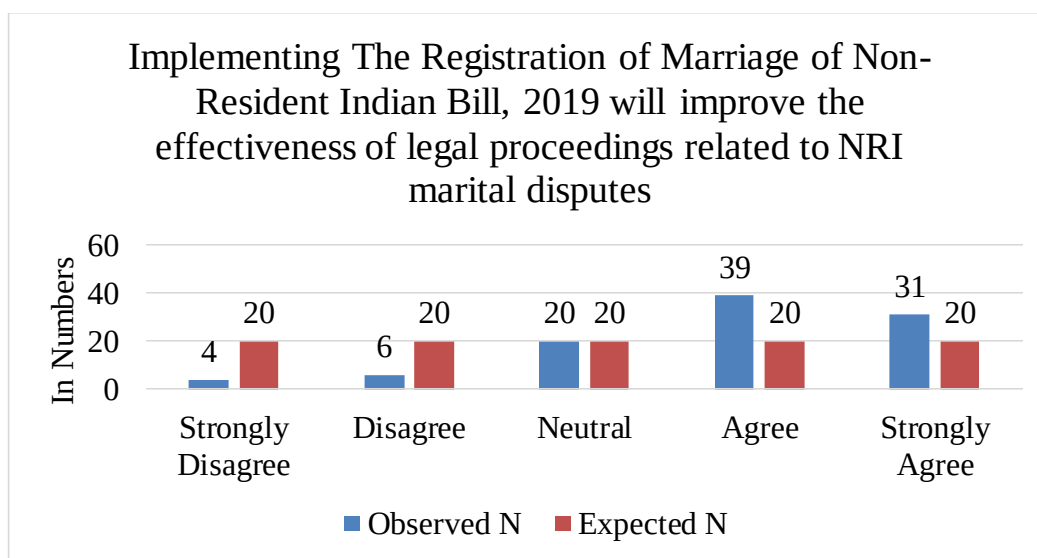


Figure 4.3

Overall Analysis

The analysis of Questions 40, 41 and 42 reveals an important pattern in respondents' perceptions of the Registration of Marriage of Non-Resident Indian Bill, 2019. While a substantial majority of respondents remained **neutral regarding the adequacy of the Bill in addressing NRI marital disputes and its sufficiency for ensuring fair resolution of custody and marital grievances**, there was considerably greater support for its implementation as a means of improving the effectiveness of legal proceedings.

The findings indicate that respondents do not appear to regard the Bill, in its proposed form, as a **comprehensive solution to all problems arising from NRI marital disputes**. At the same time, the strong positive response to Question 42 indicates that respondents recognise the potential of the Bill to improve the effectiveness of legal proceedings.

Thus, the empirical findings support the need to **strengthen and expand the legislative framework governing NRI marriages**, particularly by addressing areas that extend beyond registration and procedural mechanisms, including custody, matrimonial grievances, maintenance, divorce, enforcement, and access to justice. This provides a strong basis for examining the scope of further legal reforms in the context of **India@2047**.

4. Findings

4.1 The Chi-square analysis revealed a statistically significant difference between the observed and expected responses for all three statements relating to the adequacy and effectiveness of the **Registration of Marriage of Non-Resident Indian Bill, 2019** ($p < 0.001$).

4.2 A substantial majority of respondents (**62%**) remained neutral regarding whether enactment of the Registration of Marriage of Non-Resident Indian Bill, 2019 would adequately address issues arising from NRI matrimonial disputes.

4.3 The responses indicate considerable neutrality regarding the adequacy of the Bill for ensuring fair resolution of custody and matrimonial grievances, with **64% of respondents expressing a neutral opinion**.

4.4 The findings indicate that respondents did not consider the 2019 Bill, in its proposed form, sufficient to comprehensively address the diverse legal problems arising from NRI matrimonial disputes. The high neutral responses suggest limited confidence or awareness regarding the adequacy of the proposed legislation.

4.5 Despite the reservations regarding the Bill's adequacy, **70% of respondents** expressed the view that implementation of the Registration of Marriage of Non-Resident Indian Bill, 2019 would improve the effectiveness of legal proceedings relating to NRI matrimonial disputes.

4.6 The empirical findings therefore indicate that respondents distinguish between the **usefulness of implementing the Bill** and its **sufficiency as a complete legal remedy**. While implementation is perceived as capable of improving legal proceedings, the findings do not support treating the Bill as a comprehensive solution to NRI matrimonial disputes.

4.7 The findings support the need to strengthen the 2019 Bill by expanding its scope beyond registration and procedural mechanisms to address wider matrimonial issues, including **maintenance, divorce, custody, judicial separation, and other remedies arising from NRI matrimonial disputes**. This is also consistent with the recommendations emerging from the original study.

4.8 Overall, the empirical evidence suggests that the **Registration of Marriage of Non-Resident Indian Bill, 2019 represents an important legislative step but is not, in its existing form, sufficient to provide comprehensive and just redressal of NRI matrimonial disputes**. This finding provides the basis for proposing further legislative reforms in the context of **India@2047**.

5. Suggestions

Based on the doctrinal analysis and empirical findings of the study, the following suggestions are proposed to strengthen the legal protection of minor children affected by NRI marital disputes:

5.1 Strengthening Child-Centric Legal Framework

The existing legal framework governing NRI matrimonial disputes should be strengthened by incorporating specific provisions for the protection of the rights, welfare, and best interests of minor children. The legal framework should address the distinctive problems arising from the cross-border nature of NRI matrimonial disputes.

5.2 Prioritising the Best Interests of the Child

The welfare and best interests of the child should remain the paramount consideration in all custody and guardianship proceedings involving NRI parents. Courts should consider the child's physical, emotional, psychological, educational, and social well-being while determining custody.

5.3 Establishing Uniform Guidelines for Cross-Border Child Custody

Comprehensive guidelines should be developed for dealing with child custody disputes involving NRI parents. Such guidelines should provide clarity regarding jurisdiction, custody, visitation,

guardianship, and enforcement of custody orders, thereby reducing uncertainty and conflicting proceedings before Indian and foreign courts.

5.4 Strengthening Guardianship and Citizenship Protection

Appropriate legal mechanisms should be introduced to safeguard the guardianship and citizenship interests of minor children born from NRI marriages. Clear procedures should be established to prevent children from becoming victims of disputes concerning citizenship, guardianship, or parental rights.

5.5 Providing Psychological Counselling and Support

Children affected by NRI marital disputes should have access to professional counselling and psychological support. Such services can assist children in dealing with emotional stress, anxiety, insecurity, parental separation, and the psychological consequences of prolonged matrimonial litigation.

5.6 Strengthening International Cooperation

India should strengthen bilateral and international cooperation with countries where NRI spouses reside to facilitate the recognition and enforcement of custody and guardianship orders. Greater coordination between Indian authorities, foreign courts, diplomatic missions, and relevant child-protection authorities would assist in protecting children involved in cross-border disputes.

5.7 Expediting Child Custody Proceedings

Child custody and guardianship matters involving NRI parents should be dealt with expeditiously. Prolonged litigation may adversely affect the emotional stability, education, and overall development of minor children. Appropriate mechanisms should therefore be developed for the speedy disposal of such matters.

5.8 Promoting Mediation in Appropriate Cases

Mediation should be encouraged in suitable custody disputes involving NRI parents to reduce prolonged parental conflict and facilitate mutually acceptable arrangements. However, any mediated settlement should be subject to judicial scrutiny to ensure that it is consistent with the welfare and best interests of the child.

5.9 Enhancing Institutional Support

Indian Missions and Consulates abroad should provide appropriate assistance to Indian parents and children involved in cross-border custody disputes. Such assistance may include facilitating access to legal information, communication with foreign authorities, and coordination with Indian courts and other competent institutions.

5.10 Promoting Legal Awareness

Awareness programmes should be conducted for prospective spouses and NRI families regarding child custody, guardianship, citizenship, parental responsibilities, and the legal consequences of matrimonial disputes. Greater awareness may help families understand the rights of children and reduce the difficulties faced during cross-border matrimonial disputes.

6. Conclusion

NRI marital disputes have consequences that extend beyond the spouses and significantly affect the rights, welfare, and overall development of minor children. The cross-border nature of these disputes creates additional difficulties relating to child custody, guardianship, citizenship, jurisdiction, and enforcement of judicial orders. The present study, through its doctrinal and empirical analysis, highlights the need to address these issues from a child-centric perspective.

The empirical findings demonstrate a statistically significant response among the respondents regarding the adverse consequences of NRI marital disputes on minor children. A substantial

majority of respondents agreed that such disputes negatively affect the **well-being of minor children** and their **emotional and psychological health**. Further, **76% of respondents agreed or strongly agreed that the current Indian legal framework is insufficient to protect the interests of minor children affected by NRI marital disputes**. These findings indicate that the existing legal mechanisms require further strengthening to effectively respond to the distinctive challenges arising from cross-border matrimonial disputes.

The study concludes that the **best interests and welfare of the child must remain the paramount consideration** in all custody and guardianship proceedings involving NRI parents. While existing Indian laws and judicial principles provide an important foundation for protecting children, difficulties relating to international jurisdiction, enforcement of custody orders, guardianship, citizenship, and prolonged litigation continue to create vulnerabilities for minor children.

There is therefore a need for a more comprehensive and child-centred approach involving stronger legal provisions, expeditious custody proceedings, psychological counselling, mediation, institutional support, and greater cooperation between Indian and foreign authorities. Such measures would ensure that children are protected from the adverse consequences of prolonged parental conflict and are able to enjoy their rights to safety, emotional security, education, and healthy development. The study thus emphasises that **legal protection in NRI matrimonial disputes must extend beyond the spouses and place the welfare and best interests of minor children at the centre of the legal framework**.

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