THE NATIONAL COMMISSION FOR WOMEN
(PROCEDURE) REGULATIONS, 2016
FOR DEALING WITH COMPLAINTS IN NRI CELL

National Commission for Women under section 9(2) of the National Commission for Women Act, 1990 (20 of 1990) formulated "The National Commission for Women(Procedure)Regulations,2016" for appropriate and effective handling of complaints registered in the NRI Cell of the Commission as per the provisions of Sec 10(4) of the National Commission for Women Act, 1990.

1. Complaint

The complaint shall disclose complete picture of the matter leading to the complaint. The Commission may seek further information/affidavit as may be considered necessary in the matter.

2. Complaints not ordinarily entertain able

The Commission may not entertain the complaints of the following nature:

i) Complaints illegible or vague, anonymous or pseudonymous ;
ii) Matters not related to marital disputes, involving NRI/PIO couples;
iii) Matters not related to cross-country marriage issues as per sub clause (v) of clause 3 of procedure of NRI Cell;
iv) Issues related to civil dispute between the parties such as contractual rights obligations ;
v) Issues related to division of property ;
vi) Issue related to service matters ;
vii) Issue related to labour/industrial disputes ;
viii) Issues concerning civic issues and civic agencies;
ix) Matter sub judice before a Court/Tribunal. Provided that the Commission may co-ordinate such matters as would facilitate the complainant to get justice ;
x) Any matter pending before a State Commission or any other Commission duly constituted under any law for the time being in force;
xi) Matter already decided by the Commission ;
xii) Matter outside the purview of the Commission on any other ground ;
xiii) Matters where only financial help is sought for travel tickets or stay in foreign countries;
xiv) Matters relating to visa requests as visa issuance as it relates to the jurisdiction of foreign Governments.

3. Receipt and registration of complaints

i) All communications/complaints in writing (by whatsoever mode they are received) addressed to the Commission, its Chairperson, Members or other officers of the Commission, either by name or designation, shall be received by the **NRI Cell**, who shall enter the complaints in the online complaints registration system containing particulars such as, complainants name, address and relevant details, victims name, address and relevant details, respondents name, address and relevant details, date of receipt, file number etc.
ii) An acknowledgement shall be sent to the complainant within three days of the registration of the complaint, when complaint is received by post. Complainants registering online receive an acknowledgement immediately in their emails.

4. **Processing the complaints**

   i) **Subject to such special or general orders of the Chairperson, all complaints shall be initially dealt with by Members of the Commission. However, the Chairperson may, having regard to the importance of the matter, place the case /complaint requiring a detailed enquiry before two or more members or a Committee appointed in this behalf or set up an Inquiry Committee for the said purpose.**

   ii) The complaint shall disclose complete picture of the matter leading to the complaint. The Commission may seek further information/affidavit as may be considered necessary in the matter.

   iii) On receipt of the complaint a file shall be created as per the file number provided in the online logins along with a Note sheet of the brief gist of the complaint. Simultaneously, in cases where no details have been provided for, e-mails or phone calls shall be made. File would then be forwarded to the Counsellor for opinion.

   iv) Particulars or information may be sought from any person or authority. The proceedings shall be informed to the complainant accordingly.

   v) Any complaint directly received by Chairperson, Members or other officers of the Commission, either by name or designation, shall be received by the NRI Cell, who shall process the same as per the provisions provided.

   vi) Matter not related to cross country marriage if registered in the NRI Cell within the mandate of the Commission, shall be transferred to the appropriate section of the Commission for appropriate action.

   vii) If on consideration of the complaint, the complaint is not found to be as per mandate, it shall be so recorded and sent to the Deputy Secretary/ Joint Secretary for closure.

   viii) Complaints may be sent to legal officer for comments, opinions and recommendations.

5. **Manner of dealing with complaints**

I. Communications with Identified Appropriate Authority

POLICE:

i) Letter may be written to the concerned police station for Action Taken Reports, where any matter is pending investigation or there has been any failure on their part to take appropriate action with regard to the complaint registered. The concerned authorities may be asked to intimate the Commission of the action taken within 4 weeks. Such letter shall be signed by **concerned Member/any authorised officer.**

ii) The concerned **police** authorities may also be called in person to furnish information/ report on **receiving** a notice from the Commission, to the concerned Police authority.

INDIAN EMBASSY ABROAD:

i) Where **the Commission is satisfied** that the complaint requires to be **referred to concern** Indian Embassy abroad, it shall be so done, under intimation to the complainant. A complaint shall be forwarded to Indian Embassy abroad when:

   A. Both the complainant and respondent being NRIs are residing in the concerned country.

B. Both the complainant and respondent being Indian Citizens are residing in the concerned country for the time being and there is a prima facie case made out that the aggrieved wife cannot travel to India.

C. Where the husband having deserted his wife is residing abroad with scanty information as to his whereabouts and his relatives if existing in India, have given so in writing that they have no idea as to the whereabouts of the accused and that they are not in touch with him at all.

D. Any other reasons which deems fit.

Provided that follow ups shall be done of such complaints till an appropriate reply is received from the concerned Embassy.

ii) Letters for appropriate action on their part as per the law of the land with due approval from the appropriate authority in the Commission.

MINISTRIES:

i) **The Commission may communicate with the Division of Overseas Indian Affairs of Ministry of External Affairs,** Ministry of Home Affairs and the Ministry of Law and Justice may be duly written to **expedite** service of summons, warrants issued or any orders passed, by the appropriate Court of Law and for other relevant matters, whenever and wherever required.

ii) **The Commission may communicate with Indian Embassies abroad and Division of Overseas Indian Affairs of Ministry of External Affairs to provide legal and financial assistance to victim as per their scheme "Legal and Financial Assistance to Indian Women Deserted by their Overseas Indian Spouses"**

iii) **The Commission may communicate with concern Passport authorities for any matter relating to passports**

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MISCELLANEOUS

i) **The Commission may communicate with employers of the respondent husband through Indian Embassies abroad to take appropriate action as per law/procedure.**

ii) **The Commission, depending upon the nature of the complaint may communicate with any other department/Ministry**

II. Inquiry into the Complaints

I. Preliminary consideration, Issue of Notice, etc.

i) If on consideration of the complaint cognizance of the complaint is taken, notice will be issued to the opposite party/parties calling upon, to furnish information or further particulars within 15 days. This shall be issued by enclosing a copy of the complaint thereto. **Such notice shall be signed by the concerned Member/any authorised officer.**

ii) If the reports/information is not received from the party within the given time, notices shall be reissued enclosing a copy of the complaint, calling upon to furnish information or further particulars within stipulated period. **Such notice shall be signed by the concerned Member/any authorised officer.**

iii) If no reply is received notices/summons as per **Clause III** shall be issued.

iv) If acceptance of such notice is refused by the opposite party/parties then said notice shall be served through the Police of the area concerned.

v) On receipt of the reply to the complaint the same shall be sent to the complainant for rejoinder to the reply.

III. Notices/ Summons for Appearance before the Commission

i) When a complaint has been filed before the Commission, summons shall be issued to the opposite party/parties to appear and answer the claim on the day to be therein specified.

ii) Such summons shall be issued on failure of the opposite party/parties to reply to the Notices sent the second time. The opposite party/parties to whom summons have been issued shall appear in person or by a pleader duly authorized, if so permitted by the Commission and able to answer all material question relating to the complaint.

vi) Every summons shall be accompanied by a copy of the complaint or by a concise statement. Such summons shall be signed by the **concerned Member/any authorised officer.**

iii) On failure of response to the summons sent, such summons shall be served through the Police.

IV. Hearing of the complaint

i) On the receipt of rejoinder under Clause 5, the parties to the complaint may be called for a preliminary hearing in front of ***the Members/*** **any authorised officer**[1]. The Co-ordinator, Counsellor and an expert member shall be present for the hearing. The proceeding and the result of the hearing shall be duly recorded by the counsellor.

ii) Whenever a second hearing or more hearings are required, the same may be continued by the concerned ***Appropriate Authority***. [2]

iii) At the preliminary hearing, ***Appropriate Authority*** shall ascertain from the opposite party/parties whether he/she admits the allegations made by him/her.

iv) Such complainant may file an affidavit supporting the facts of the case or may be directed to produce list of witnesses/document proposed to be relied upon, if any, to support her claim.

v) Thereafter the witnesses on behalf of the complainant shall be examined and the opposite party shall have the right to cross examine.

vi) The opposite party against whom the complaint has been made would then be required to submit his defence and produce list of documents/witnesses, if any, relied on.

vii) Where no further action is called for, the complaint may be:

A. Closed, under intimation to the complainant

B. Complaint may be sent to the appropriate Government/other authorities for their consideration

C. May be referred to concerned State Police/State Govt

6. Inquiry into complaints

If any urgent intervention or investigation is required, the Commission can constitute an Inquiry Committee under section 8 of the NCW Act, 1990 with the approval of Chairperson

I. The Commission while inquiring into the complaints may-

[1] Subject to approval
[2] ibid

i) Call for information or report from the Central Government or any State Government or any other authority or organization subordinate thereto within such time as may deem fit. Provided that if the information or report is not received within the time stipulated by the Commission a reminder shall be sent after which if no reply is received action as per the mandate of the Commission would be taken.

ii) If, on receipt of information or report, the Commission is satisfied either that no further inquiry is required or that the required action has been initiated or taken by the concerned Government or authority, it may not proceed with the complaint and appropriate help shall be given as to facilitate the complainant in pursuing her case.

II. Powers relating to inquiries

i) The Commission shall, while inquiring into complaints under this Act, have all the powers of a civil court trying a suit under the Code of Civil Procedure, 1908 (5 of 1908), and in particular in respect of the following matters, namely:-

a) Summoning and enforcing the attendance of witnesses and examining them
b) Discovery and production of any document
c) Receiving evidence on affidavits
d) Requisitioning any public record or copy thereof from any court or office
e) Issuing commissions for the examination of witnesses or documents
f) Any other matter which may be prescribed.

ii) The Commission may require any person, subject to any privilege which may be claimed by that person under any law for the time being in force, to furnish information on such points or matters as, in the opinion of the Commission, may be useful for, or relevant to, the subject matter of the inquiry and any person so required shall be deemed to be legally bound to furnish such information within the meaning of section 176 and section 177 of the Indian Penal Code (45 of 1860).

iii) When any offence as is described in section 175, section 178, section 179, section 180 of the Indian Penal Code (Act 45 of 1860) is committed in the view or presence of the Commission, the Commission may, after recording the facts constituting the offence, forward the case to a Magistrate having jurisdiction to try the same.

III. Steps after inquiry

The Commission may take any of the following steps upon the completion of an inquiry held under these regulations, namely:-

i) Where the inquiry discloses, the Commission of violation of any rights or negligence, in the prevention of violation of any rights by a public servant, it may recommend to the concerned Government or authority the initiation of proceedings for prosecution or such other action as the Commission may deem fit against the concerned person or persons.

IndiaCode

ii) Approach the Supreme Court or the High Court concerned for such directions, orders or writs as that Court may deem necessary

iii) Recommend to the concerned Government or authority for the grant of such immediate relief to the victim or the members of his family as the Commission may consider necessary.

iv) Subject to the provisions of Sub clause (v), provide a copy of the inquiry report to the petitioner or her representative.

v) The Commission shall send a copy of its inquiry report together with its recommendations to the concerned Government or authority and the concerned Government or authority shall, within a period of one month, or such further time as the Commission may allow, forward its comments on the report, including the action taken or proposed to be taken thereon, to the Commission.

vi) The Commission shall publish its inquiry report together with the comments of the concerned Government or authority, if any, and the action taken or proposed to be taken by the concerned Government or authority on the recommendations of the Commission.

7. Recording of Proceedings

The note sheet is the mirror to the proceedings and hence the NRI Cell has to ensure that right from the date of the receipt of the complaint, its proceedings till its final disposal, the gist of the proceedings are reflected in the note sheet and therefore shall ensure that **:-**

a. All orders, notices, summons, day to day proceedings etc issued in the matter are legibly recorded in the Note Sheet.

b. The order sheet shall invariably reflect the brief of the proceedings conducted which shall be signed by the Member concerned/authorised officer/ committee and the parties, if any.

c. No routine inter office correspondence or any deposition shall be recorded in the order sheet. Such correspondence should be made separate an annexed file.

8. Mode of Communication

Unless otherwise directed, all summons and notices from the Commission shall be sent by registered post/courier/email.

9. Procedure regarding Suo Motu Action

The procedure contained in this procedure shall mutatis mutandis apply to suo motu action taken by the Commission.