



Honorable Justice Cyriac Joseph and Justice panel

US District Court for Northern District of California
280 S. First Street, San Jose, CA 95113

Date: June 28th, 2006

Subject: Follow-up on the Meeting of IPC 498A affected Overseas Indians

Honorable Justices:

We are grateful to you for the opportunity to be heard today. We thank Consul General of India at San Francisco Shri B.S.Prakash to arrange for this meeting.

The Indian legal system considers all complaints filed by wives to be genuine and immediately actionable by jailing the husband as well as his immediate and extended family requiring neither a prima facie investigation nor presentation of probable cause to the magistrate.

Consequently, laws made to protect women from dowry harassment have become a weapon to blackmail, extort money, coerce terms of marital settlement or seek revenge on Overseas Indians and their India-based families, all under the cover of legal sanction of the police, prosecution and judiciary. This rampant abuse has been inflicting legal wrongs upon Overseas Indians and their families without recourse to restitution or legal action against malicious prosecution.

We submitted the following prayers for the consideration of the Indian judiciary:

- That the Investigating Officer be required to state in court the basis or evidence for their reasonable belief that a crime has been committed; that the accuser be required to state her allegations on oath or an affirmation under penalty of perjury before an entire innocent family is subjected to indefinite and non-bailable custody;
- That the Judiciary may guide us how, when and by whom perjury charges for a false 498A report can be brought about;
- That, in order to minimize pre-trial extortion under duress, upon bail the accused NRI be allowed to return to his livelihood overseas until the trial begins; if necessary by requiring him to report to the nearest Indian consulate;
- That the accused NRI be allowed to make preliminary court appearances over a videoconference to spare several, short trips half way around the world.

For your perusal, press clippings, individual stories and information booklets are enclosed.

Our heartfelt thanks and warmest regards,

Rakshak Team

CC:

Ambassador Ronen Sen, 2107 Massachusetts Avenue, N.W., Washington D.C., USA - 20008

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