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To,
The Ministry of Overseas Indian Affairs
(MOIA: Organizers of Pravasi Bharatiya Divas)

Date: December 17, 2006

Subject: Misuse of Indian Dowry Laws and unfair treatment of NRIs by MOIA

Dear Sir/Madam,

The Rakshak team solicits your kind attention to the escalating menace of false dowry cases against Non-resident Indians (NRIs). It is a matter of serious concern that laws promulgated by the Government of India, claiming to accord protection to women, are being increasingly **misused** by unscrupulous women for deriving personal gains by ruining lives of NRIs and their families.

Section 498a of the Indian Penal Code (IPC) is one such provision which claims to provide protection to women against cruelty and dowry related harassment. Unfortunately, this law has become an easy tool in the hands of women who misuse it with the malicious intent of threatening, extorting money, and wreaking revenge on **NRI** husbands and their India based families. Misuse of IPC 498a has been acknowledged and condemned by various authorities in India:

1. In response to a Public Interest Litigation filed in July, 2005, the Supreme Court of India acknowledged that there are many instances where women are filing false 498a cases. It cautioned law enforcement officials to take necessary precautions so that innocent citizens are not victimized. It stated that any misuse of the provisions of this law amounts to **Legal Terrorism**.
2. The World Health Organization, in its Report on India clearly cited Section 498a as one of the major reasons for growing Elder Abuse in India.
3. The Center for Social Research (India), in a study on the implications of Section 498a of IPC states that 98% of dowry cases are false and baseless.

Misuse of the provisions of section 498a, has far reaching consequences on the personal and professional lives of innocent NRIs and their India based families :

1. Getting falsely implicated in a criminal case destroys their reputation in their social and professional circles.
2. Some lose their hard-earned overseas jobs and are forced to relocate to India to fight long-drawn legal cases in order to prove their innocence.
3. NRIs, who unwittingly land in India for various reasons are arrested, ill treated and exploited by the police and the legal system.
4. The passport of a falsely implicated NRI is invariably seized as one of the conditions for granting bail, and subsequently, the NRI is required to furnish enormous amounts of security in order to retrieve his/her passport.
5. NRIs who choose to remain overseas due to the fear of legal harassment are either declared "proclaimed offenders" or threatened of being declared "proclaimed offenders".
6. Red corner notices are issued by the Government of India, through the Interpol, seeking the extradition of several innocent NRIs, thus equating innocent citizens with dreaded criminals like Dawood Ibrahim.
7. NRIs and their families also suffer immeasurable economic hardship and emotional trauma due to false criminal cases.
8. Such legal harassment creates a fear psychosis among NRI men who find it difficult to repose faith in marrying women of Indian origin.

Instead of plugging the loopholes in IPC section 498a and checking its misuse, the Government of India caved in to the pressure from radical feminist organizations and promulgated another law, by the name of the Domestic Violence (DV) Act in October, 2006. The DV Act assumes that violence is only committed by men against women. In addition, this law provides unlimited scope for a woman to make false claims, entangle a husband and his family in legal battles



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and deprive the innocent man of his own earnings and property. The DV Act, like IPC 498A, is replete with loopholes and has enormous potential for misuse, as has already been demonstrated by the recent case where Azim Premji, the CEO of Wipro, was falsely implicated under this Act.

The Ministry of Overseas Indian Affairs, under the auspices of Minister Vayalar Ravi, has released a booklet, on marriages with NRIs, which makes blatant generalizations denigrating NRI husbands. Some of the exaggerated and demeaning claims in the booklet are as follows:

- NRI husbands and their families are responsible for failed and fraudulent marriages.
- NRI husbands physically, emotionally and financially harass their wives.
- NRI husbands get married for dowry and abandon/divorce their wives after a short honeymoon

The booklet assumes that only women married to NRI men are victims of fraud, abandonment or harassment whereas the truth is that many NRI men have been defrauded, abandoned, harassed and tortured by conniving women. Despite the repeated suggestions by NRI organizations to make the MOIA booklet balanced and truly informative to Indian citizens, the biased version with lopsided views was published, reflecting utter disregard to the concerns of the NRI community.

Rakshak is dedicated to **prevention of Elder Abuse** and helps innocent NRIs and their families who are falsely criminalized, exploited and abused. Rakshak receives about 10-15 calls per week from NRIs falsely implicated under Section 498a of IPC. Representatives of Rakshak met with the MOIA minister, Vayalar Ravi, during his recent visit to the US, and apprised him of the above mentioned issues which severely hamper the lives of NRIs. The representatives requested him to make recommendations to the Government of India to redress these problems. A well researched and unbiased booklet by Rakshak was also circulated to several authorities, including Minister Vayalar Ravi. The Minister expressed his sympathy, but refused to act fearing protests and demonstrations from women's organizations and their supporters.

Section 498a of IPC and the Domestic Violence Act are standing examples of **gender inequalities in Indian Law**. In addition, the MOIA booklet, which portrays a very negative image of NRI men, discounts their enormous financial, intellectual and emotional investment in India and also reflects the Government's prejudice against the NRI community at large.

NRIs and their families who are trapped in false criminal cases are undergoing constant mental harassment and are spending their valuable time, money and effort to fight prolonged trials. This trend is impeding the progress of extremely talented, intelligent and resourceful young Indians in India and abroad.

On the occasion of the Pravasi Bharatiya Divas, 2007, we demand a response from the Ministry of Overseas Indian Affairs on its blatant disregard to the issue of "legal harassment of NRIs" and its indiscriminate defamation of NRIs.

Please refer to the following websites for more information on the issues discussed above:

1. www.498a.org - A website that provides information about various aspects of IPC 498A, its misuse and serves as a support system for victims of this law.
2. <http://www.498a.org/contents/seminar/498aReport.pdf> - A detailed report that describes the provisions of IPC 498A, the extent of its misuse with statistics, personal stories of victims, news items related to IPC 498A and recommendations to the Government of India.
3. <http://www.498a.org/dv.htm> - The complete version of Domestic Violence Against Women Act
4. <http://moia.gov.in/shared/linkimages/46.%2003-251005> - The biased booklet on marriages to NRIs, published by the Ministry of Overseas Indian Affairs
5. <http://www.498a.org/contents/Publicity/moiaBooklet.pdf> - The booklet on marriages to NRIs, prepared by Rakshak and 498a.org.

Thanks,

The Rakshak Team
United States of America
