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Indian Husbands Fall Victim to Dowry-Immigration Fraud

India-West, News Feature, Lisa Tsering, Jan 19, 2005

"Everything happened so quickly," says Pradeep, a tall, trim real estate agent based in the eastern San Francisco Bay Area, recalling his first nervous meeting with Madhu, his bride-to-be, at the Asoka Hotel in New Delhi on Christmas 2002.

He didn't feel entirely comfortable with her, at first, he explains. "She was kind of quiet. We sat separately, and she didn't say 'Hi.' Instead, she just sat there, biting her nails."

But he was impressed by something she said. "I asked, 'What are you looking for in a husband?' and she said, 'He should be nice and caring.' Usually, they ask how much money you make!" tells India-West in an interview at his home.

Pradeep and Madhu (not their real names) were married three weeks later, and she came to live with him in California in May 2003. In some ways, their story is typical — a nonresident Indian man settles in the United States, earns some money, and goes back to India to choose a bride.

But what happened next illustrates a dark side of the non-resident Indian (NRI) marriage story. Pradeep, 31, a naturalized U.S. citizen, says he became the victim of extortion, embezzlement and immigration fraud.

Pradeep and Madhu returned to India in January 2004 at her insistence, so that she could see her family. According to documents Pradeep filed with U.S. immigration authorities, once they arrived at her family's house, he was drugged, held at gunpoint, and held captive for weeks in an attempt to extort \$60,000 and help in obtaining visas to the U.S. for the rest of the family.

Only after his family in the U.S. contacted the New Delhi offices of the FBI, the Diplomatic Security Services and Delhi police, was he able to escape.

Ajay (not his real name), a 27-year-old H1-B high tech worker in New Jersey, told India-West in a phone interview that he met his bride on Shaadi.com. After two years of marriage in the U.S., she said she wanted to return to India to be with her parents and accused him of demanding dowry, he says. Back in India, she filed a complaint against him under Section 498A of the Indian Penal Code. Commonly called "498A," the section defines the offense of "matrimonial cruelty" and makes demanding dowry a crime.

The law has been a (literal) lifesaver for women who have faced harassment or torture at the hands of their husband or his family, and calls for up to three years' imprisonment and a fine for offenders. The offense is non-bailable (the accused can remain in police custody at the court's discretion), and non-compoundable (even if the accuser withdraws her complaint, the court can continue to investigate and prosecute).

It is a simple procedure to file a 498A complaint, and the police must follow up on the complaint, notes Peco Chakravatru, an NRI online columnist, "Filing a 498A is as easy as ordering an idli sambar. Actually, it is easier — the proprietor could refuse to give you an idli sambar but the police cannot refuse."

In some cases where the accused man has left India, judges have refused bail unless the accused's family deposits a sum of money in the complainant's name as a precondition to the grant of bail; some men say their parents have been taken into custody as well. Ajay says he has had to pay a total of \$10,000 in legal expenses to keep his own parents in India out of jail.

The number of false dowry claims against men is still overshadowed by the number of dowry deaths and other dowry-related crimes against women in India. A BBC report last year stated that Indian government statistics showed that nearly 7,000 women were killed in 2001 by their husbands and in-laws over inadequate dowry payments.

Bikram Jeet Batra, legal officer for Amnesty International India, writes: "A large number of cases registered under section 498A are subsequently withdrawn though this is not necessarily because they were false. These withdrawals take place for a variety of reasons. At the same time, cases of abuse of section 498A cannot be ruled out."

Abuse of anti-dowry laws has become serious enough that the United States Department of State has published the following travel warning on its Web site, <http://travel.state.gov>, about "Dowry/Visa Demands" for travelers to India:

"A number of U.S. citizen men who have come to India to marry Indian nationals have been arrested and charged with crimes related to dowry extraction. Many of the charges stem from the U.S. citizen's inability to provide an immigrant visa for his prospective spouse to travel immediately to the United States.

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Spotlight



"The courts sometimes order the U.S. citizen to pay large sums of money to his spouse in exchange for the dismissal of charges. The courts normally confiscate the American's passport, and he must remain in India until the case has been settled."
The warning also adds, "There are also cases of U.S. citizen women whose families force them against their will into marriages to Indian nationals."

The State Department cannot say how many false complaints are filed each year. However, "The fact that we issued a warning should be an indication of how widespread the problem is," said John Peters, the department's Citizen Services Specialist for India. Peters, who is based in Washington, D.C., told India-West that the local American Embassies could provide a list of Indian lawyers in New Delhi.

Angela Aggeler, a spokesperson for the State Department in Washington, D.C., says that "American citizens are often extremely desirable" to Indian families with marriageable daughters.

Still, as in any case where an American citizen is accused of breaking local laws overseas, there is not much that the State Department can do, she told India-West. "Our role in the State Department is maintaining the safety and security of American citizens overseas. That is even more important to us than issuing visas."

Although the department will do "what we can to ensure fair treatment under local laws, you need to be aware of the laws in that country, regardless of how true the accusations are. It's incumbent upon [the U.S. citizen] to adhere to the local law."

Aggeler, who has lived in India, says she empathizes with citizens in this predicament. "I know how complicated the law is in India," she says. Aggeler says the State Department decided to publish the travel warning after receiving information from the three U.S. embassies in India as well as from local law enforcement agencies and global agencies such as Interpol.

Just as the U.S. State Department's ability to get involved is limited, so too is that of the Indian Embassy here in the U.S. Akhilesh Mishra, deputy consul general for the Consulate General of India in San Francisco, told India-West: "The Consulate has no specific role or comment on the issue, which has to be addressed through usual legal means."

The Government of India's proposed "overseas citizen" dual nationality program may not be much help, either. The State Department's Web site states: "The U.S. Government recognizes that dual nationality exists but does not encourage it as a matter of policy because of the problems it may cause. Claims of other countries on dual national U.S. citizens may conflict with U.S. law, and dual nationality may limit U.S. Government efforts to assist citizens abroad."

Palvir Shoker, an attorney in Fremont, Calif., reminds readers that it is required for U.S. citizens traveling to India to register within 14 days at their local Foreigners Registration Office. Shoker, who says that her office has only handled two cases of this type in three years, says she the false dowry accusation and visa extortion problem is not as widespread as commonly believed.

Still, many Indian men who immigrate to the United States would never think to be concerned over whether a "homely, slim, fair" bride advertised in the Times of India or on a marriage Web site might try to extort money or visas out of him.

"I had no idea!" says Ajay. "If I had any idea this was a problem, I wouldn't have gone back to India (to find a bride). Most girls are honest, but you have to be aware."

Udit (not his real name), a high-tech worker from Toronto, told India-West, "In India, you're assumed guilty unless you can prove your innocence. If you're caught in India, your life is destroyed. It's a horrible law, 498A. The police are goondas."

Deepak (not his real name), a 28-year-old computational engineer in the East Bay, describes his early days as an immigrant after coming to UC Berkeley on a study fellowship. "It's a huge culture shock," he says over coffee at a neighborhood café. "It's adjusting to your new surroundings, missing your family. There's huge pressure to conform, to establish yourself."

Deepak selected his bride in December 2001 from a list selected by his family, and was engaged within a month. After going home to his native Punjab, he married her the following year. "She had a huge problem adjusting here," he says. Since his bride had come from a bustling city, the contrast with California's lonely, wide-open spaces was difficult for her, especially because she wasn't allowed to work (Deepak, formerly an H-1B visa holder, is now a green card holder).

Although he suspects one of the reasons his wife married him was that she could immigrate to the U.S. ("I learned that she or her parents had arranged the marriage solely to come here," he says), he wanted to make the marriage work. "It's typical of Indian families — they hate the word divorce."

Deepak says his wife started drinking heavily and threatening to kill herself, occasionally calling him frantically at work. After she bit him once during an argument, he called the police. Finally, the two agreed to file for divorce. "She and her family asked an immigration lawyer about the effect the divorce would have on her green card application," he remembers. "I was being used."

In February 2004, she returned to India and Deepak had the divorce papers served to her there in May. Soon after, "she filed a case against my parents, my brother, my sister and my sister-in-law, stating that they'd been asking for dowry," he recalls. She also took some pre-signed checks he'd given her for paying bills, and cashed them at Indian banks. (Deepak showed a reporter a photocopy of one check she'd cashed for \$12,000). In her case, his wife accused the family of torture, and said they had demanded "Rs. 10 lakhs [\$23,000] or a Honda city car."

Despite the fact that over two years had passed since the marriage, the police took on the case

and started harassing Deepak's family, he says. "All the genuine cases of dowry start right away, or before the marriage."

Deepak says he signed a "fairly huge and unfavorable settlement" with his wife, more than \$60,000. Plus, the attorney fees here and on behalf of his family in India have "wiped out my 401K and savings," he says.

Deepak has plans to travel to India over the New Year to see his family, though he doesn't know what he'll face when he arrives in India. "The hassles in India have trailed off," he says.

In fact he says the very same Punjab police inspector who first took her case changed his mind when presented with the evidence of Deepak's (and his family's) innocence. In a document provided to India-West, the inspector writes, "On investigation it is found that there is absolutely no truth regarding the facts mentioned in this complaint."

Pradeep says his wife has been found guilty of immigration fraud and her father found guilty of smuggling and embezzlement. "Her dad owed people some money. That's why they wanted all that money from me," he says. The marriage has been annulled and he has secured a three-year restraining order against his wife, who is now in Delhi.

One of the first widely publicized cases of 498A fraud occurred in 1995, when East Coast physician Dr. Jayakrishna Ambati and his family were accused by his former wife, Archana, of mental and physical torture as well as a dowry demand of \$1,200. The Ambati family, well-known community leaders who had founded a charitable educational foundation known as the Ashtavadhani Vidwan Ambati Subbaraya Chetty Foundation, were acquitted in 1999. The case achieved notoriety because of the celebrity status of Jayakrishna's younger brother, Dr. Balamurali Ambati, who at 17 became the world's youngest physician in 1995.

A small but vocal community of so-called "498A victims" has been mobilizing over the Internet, trading furious stories and offering help and advice for men who find themselves in that situation.

During his interview with India-West, Deepak's cell phone kept ringing nearly every five minutes — calls came from men around the country who also claim to have been falsely accused. Deepak plans to launch a Web site so that more NRIs can support each other.

A small but dedicated nongovernmental organization in Bangalore, Sangyabalya, is working to create a dowry-free society and works on behalf of falsely accused individuals in India (see below for its helpline phone number). Sangyabalya's helpline only operates two hours a night, two nights a week, but still manages to receive up to 10 calls per night.

After all he's been through, Deepak offers this advice to men desiring an "old-fashioned" Indian girl: "Don't go to India to get married. There are a lot of great first-generation Indian girls here.

"I see these guys at the airport on their way to India, and I think — they look like poultry going to be slaughtered," Deepak says with a melancholy laugh.

The Dark Side of NRI Marriages: What You Can Do

498A victims offer the following advice for men getting married in India:

- When the bride and groom's families exchange gifts, keep a written record of everything received and given.
- If you are traveling to India, make copies of your passport, visa and all credit cards and leave the copies with a trusted friend or relative.
- Don't give anyone your tickets or passport.
- Register with the local Foreigners Registration Office upon arrival in India, and let them know your expected date of departure as well.
- "Don't sign any blank checks."
- Consider a prenuptial agreement.
- Keep aware of any bank activity by monitoring your bank statements.
- Print out and save any emails that may help your case. Under India's recent cyber-laws, the emails may be admissible as evidence.

For more information, contact the following:

- Yahoo! Groups: Misusedowryact and Nridivorce
- www.sangyabalya.org (site is not always operational; alternatively, call them in Bangalore at 011-91-80-5696-9850 or email them at victimsof498a@rediffmail.com).
- The FBI's local Indian staff can be reached through the American embassy in New Delhi: 011-91-11-2419-8000
- A few blogs are online, such as batteredmen.fullhydblogs.com, batteredmen.rediffblogs.com and batteredmen.blogspot.com.

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