

The unsaid tale of NRI grooms' agony...

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Bhavani M has been in the US for over a decade now. With a steady job, she lives a comfortable life with her husband and young children—a typical story of a young professional NRI in the US. After having migrated here, she must have never imagined that the Indian judicial system could affect her tranquil life in the US. And worst of all, it was domestic violence that affected her entire extended family life. Worse still, neither she nor her husband was involved in any marital dispute.

This is one example where the seemingly innocent members of the extended family get caught up in the cycle of vendetta or extortion due to the strictest interpretation and carrying out of the law 498A of the Indian Penal Code.

The IPC 498A is a recent law (1983) written with the view of protecting brides from the vicious cycle of dowry demands and related violence. It aimed at eliminating the dowry problem in India and is defined as: "Whoever, being the husband or the relative of the husband of a woman, subjects such woman to cruelty shall be punished with imprisonment for a term which may extend to three years and shall also be liable to fine. The offence is cognizable, non-compoundable and non-bail-able."

The crux of the law is in its broad outreach to any member of the extended family of the complainant and the non bail-able nature of the arrest. This leads to seemingly unconnected family members being harassed and even put in jail without any hearing or bail.

But, Bay area based Ram (name changed) calls it a "false dowry law-immigration extortion" problem. The reference is to the targets who are mostly NRI male bridegrooms. Another allegation that stands against the 498A law is that it is anti-male in language and interpretation, with no recourse for appeal.

Several cases have surfaced recently, mostly from bridegrooms in the US complaining of being tried and convicted by the laws, even before a case has been heard—often resulting in huge legal costs and traumatic incidents in their lives. In some of the cases even the immediate relatives of the groom have been arrested and tossed in jail.

Often, the groom is barred from returning to India, either because



there is a warrant against him or there is the fear of being incarcerated without even the possibility of proper representation, since the IPC 498A can be invoked by wife/daughter-in-law or her relative without appeal.

In what's turning out to be the not too often reported "other side" of arranged marriages, several grooms in the US are coming forward with cases of abuse suffered because of the system.

"This section of the law is written as being non-bail able, non-compoundable (complaint can't be quashed) and cognizable (arrests without investigation or warrants). (Hence) there have been countless instances where, without any investigation, the police have arrested elderly parents, unmarried sisters, pregnant sister-in-laws and children related to the accused groom. A typical case goes on for years (5-7) and the conviction rate is about 2% only," says Sunil (name changed), another ex-groom from US.

This portends very darkly for many of the innocent NRI male victims involved in hurriedly arranged marriages. Especially since a typical case of arranged marriage for a US based NRI takes place within a week or two — as he is just about to transit from an H1 B visa to getting

Labor certification, hops on a plane to India for a three week trip, with the help of his parents gets married in the timeline of about three weeks after which the couple is back in the US, courtesy the spousal H4 visa, for which there are no long waiting lists or backlogs.

Unfortunately, for some, the nightmare starts just here.

While numerous cases of maladjustment, poor communication and resulting domestic abuse of mostly female victims have been documented, there is also the other side of spousal abuse.

"The very nature of this anti-dowry law makes it wife biased or daughter-in-law biased, and the onus is on the husband and his family members to disprove the false allegations," says Bhavani, who was snared in as the sister-in-law of a domestic break-up.

Fremont based Bhavani is one of the only few willing to be identified to bring out her story. Her sister in law was estranged from her husband and had filed a 498A complaint. When Bhavani went to visit her parents, she was arrested, with the police authorities separating her from her child. "Our entire family was upset about the separation and divorce of my brother. And we did not even talk about the issue with

my brother. So suddenly, when such a case is brought up, it gets really very upsetting," maintains Bhavani.

Since Bhavani is a US citizen and was "lucky to have the means to hire a lawyer and make arrangements" with local authorities, she was released from jail and allowed to leave India. She can only imagine the plight of the 498A victim's relatives living in India who have reportedly been harassed as well.

Cases about 498A have been recorded at the US Consulate in Delhi and also with the FBI for extortion attempts against Indian-Americans while in India. Since the 498A offense is termed non-compoundable, even if the accuser withdraws her complaint, the court can continue to investigate and prosecute - as seen in many cases. Also, if the accused is arrested in India, he can remain in police custody at the court's discretion- making it a viable means for the police and colluding spouse's families to extract money from the NRI, according to some victims.

Sunil relates his story of two years of marriage in the US, after which his wife wished to return to India to be with her parents and then accused the groom of demanding dowry. Back in India, she filed a complaint against him under IPC 498A- which has rendered him unable to travel to India for fear of imprisonment. Sunil also claims that his parents have been threatened and intimidated by local cops and he is unable to help them.

In similar cases, judges have refused bail unless the family of the accused deposits a sum of money in the complainant's name as a pre-condition to the grant of bail; and some say their parents have been taken into custody as well. Support forums for such male victims reveal that many have spent more than \$10,000 in "payments" and legal expenses to keep their parents in India, and out of jail.

Abuse of anti-dowry laws has become serious enough for the US Department of State to have published a travel warning on its web site,

http://travel.state.gov/travel/cis_pa_tw/cis/cis_1139.html about "Dowry/Visa Demands" for travelers to India. The warning states: "A number of US-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 US-citizen's inability to provide

an immigrant visa for his prospective spouse to travel immediately to the United States. The courts sometimes order the US-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."

However, the US Embassies have no jurisdiction in any matters related to breaking local law, except to ensure proper representation and maintaining of universal human rights.

Similarly, the Indian Embassies in the US have expressed their inability to do much more than forwarding memorandums with foot notes attached while issuing statements like: "The Consulate has no specific role or comment on the issue, which has to be addressed through usual legal means."

According to a US State Department report, Government of India statistics reveal that nearly 7,000 women were killed over inadequate dowry payments and nearly 6,000 cases were filed in Delhi alone in 2005, based on the Dowry Prevention act of 1961. But it remains that the number of false dowry claims against men is a much smaller number than domestic violence and dowry demands against the bride.

Activists like Mukta Sharangapani of Maitri, a local US based non profit agency dealing with domestic violence, while acknowledging that such laws may result in being abused, also stated that "we have rarely heard of such cases, especially considering that we have more cases than we can manage for domestic violence involving spousal abuse, usually dealing with females."

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

Unfortunately, such traumatic incidents have even forced siblings of the affected to reconsider marriage in India altogether, says one such victim who is now an activist and spearheads an awareness movement of the repercussions of the 498A law.

He insists, "don't go to India to get married. There are a lot of great first-generation Indian girls here. You will have less trouble."

BUSINESS IN BRIEF

Informatica acquires Infield corp.

■ REDWOOD CITY, CALIF: Informatica Corp., a provider of data integration software, has acquired Infield, a supplier of data transformation technology enabling access to unstructured and semi-structured data. The cash transaction for the acquisition was about \$55 million. "It is estimated that the organizations spend over \$1 billion in IT projects to access unstructured data and enable cross enterprise data exchange. Jointly, Informatica to and infield offer our customers the most comprehensive data in-

tegration platform with near universal access to integrate unstructured, semi-structured and structured data," said Informatica CEO and Chairman Sohail Abbasi.

MIVT to acquire BioSync Scientific

■ MENLO PARK, CALIF: MIV Therapeutics, a developer of drug eluting stents and advanced drug delivery systems, has agreed to acquire Biosync Scientific, a developer of cardiovascular stents, based in India. Terms of the transaction have not been disclosed. MIVT can now provide a metal stent plat-

form comparing favorably with the best bare-metal stents available in the market. BioSync Scientific was founded by Rajesh Vaishnav, who also developed many of the bare metal and drug eluting stents currently sold India and other emerging markets.

Manojit Jolly on Pandora's advisory

■ EMERYVILLE, CALIF: Manojit Jolly has been appointed to the Advisory Board of Pandora Networks, a provider of IP Communication Services. Jolly is currently working as the Managing Director of Garage Technology

Ventures.

SoftJin engineering VP is V Malhotra

■ SANTA CLARA, CALIF: SoftJin Corp. has appointed Vinod Malhotra as their Engineering Vice President. Malhotra held the same post previously at Poseidon design systems and was the Director R&D at Synopsys systems. He has a Master in Science (Engg.) from the University of South Carolina, and an MS(Engg.) from the Indian Institute of Technology, New Delhi.

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