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Indian Husbands Fall Victim to Dowry-Immigration Fraud

News Feature, Lisa Tsering,
 India-West, 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.

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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.

"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."

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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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CITY VIEWS

■ Anti-dowry law

Dowry law used for extortion and harassment, say NRI husbands

By Ashok Easwaran

Section 498 A of the Indian Penal Code is a law that was passed by the Indian government to prevent the harassment of brides, and their families, for dowry. The law has, quite literally, been a lifesaver for women who face harassment or torture at the hands of their husbands and his family, and calls for imprisonment up to three years, and fines for offenders. The offense is non-bailable(the accused must remain in custody at the court's discretion) and non-compoundable (even if the accuser withdraws her complaint, the court can continue to investigate and prosecute).

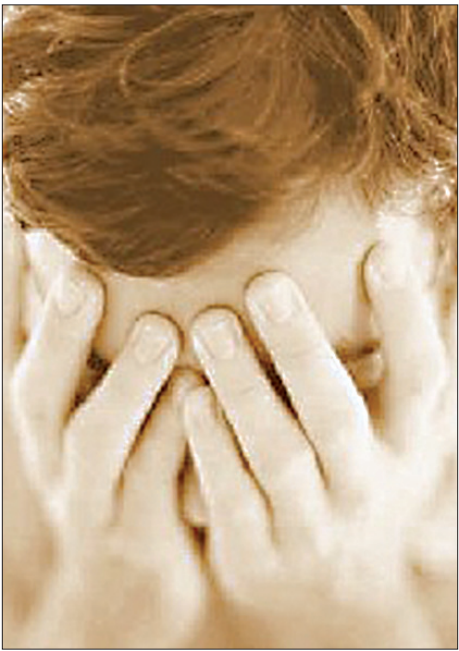
It is simple procedure to file a 498 A complaint and the police must follow up on the complaint. "Filing a 498 A is as easy as ordering an *idli sambar*. Actually, it is easier-the proprietor of the restaurant can refuse to give you an *idli sambar*, but the police cannot refuse (to register the complaint)," said one victim.

A law meant to protect wives is now increasingly being used to harass husbands. In the recent past, there has been a sharp increase in the number of husbands who say that they have been falsely implicated under 498 A. Most of them allege extortion or vindictiveness by their wives, and wives' families. Non-resident Indians, it appears, are especially vulnerable. Not only do they face demands for thousands of dollars to withdraw cases, but they are also coerced to give visas to the wives' families.

According to activists, there have been cases of harassment misusing the 498 A reported from the US, UK, the Middle East and India. The number of cases against Indian Americans have been significant enough for the United States State Department to publish a travel

warning which says, "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 to prospective spouses to travel immediately to the United States. The (Indian) courts sometimes order the US citizen to pay large sums of money to his spouse in exchange for dismissal of the charges. The courts normally confiscate the American passport and he must remain in India until the case has been settled."

The US State Department cannot say how many false complaints are filed each year. However, Josh Peters of the department said, "The fact that we issued a warning should be an indication of how widespread the problem is." Angela Aggeler, a spokesperson for the State Department in Washington DC added that "American citizens are extremely desirable to Indian families with marriageable daughters."



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 step from the US citizen's inability to provide an immigrant visa to prospective spouses to travel immediately to the United States. The (Indian) courts sometimes order the US citizen to pay large sums of money to his spouse in exchange for dismissal of the charges. -US State Department warning.

There has been a proliferation of support groups and web sites for the male (and female) victims of 498 A, especially in the US. Some

blogs and web sites have names like batteredhusband or *Indianbakra*. In December 2005, a group of victims and their friends in the US set up www.498a.org. Satya, who is 30, and a software engineer in California, (who gave only his first name) is one of the victims, and has helped set up, and maintain the site. "In July alone we had 100,000 hits on the web site", he said. "About 80 people from the US have filled up a form on the site seeking advice. There are 20 others seeking help who are Canadian residents. We have had about 200 such requests for help from the Delhi-Noida-Ghaziabad belt alone."

Rajeev Mehta, a New Jersey based physician is one of the victims of the misuse of 498 A. Mehta is a associate director of neonatology and associate professor of pediatrics at the Robert Wood Johnson University Hospital in New Brunswick. In April 1994, when he met his now ex-wife, Nalini Michelle Gupta, he was one of the highest paid academic neonatologists in the US. The relationship deteriorated rapidly "Soon after, we started spending weekends together, and afterwards started living together. We got married in October, 1994, because she was pregnant. Some time after the marriage, Nalini's personality started becoming all too obvious, and I discovered that she had had numerous failed relationships, was a pathological liar, had cheated on her previous partners, and even me, and could not be trusted. I eventually filed for divorce when I realized that her family's sole aim was to use me."

"After more than 3 years of divorce litigation in the US, and having proved my case before the Superior Court of New Jersey, I obtained a divorce. The court awarded me sole legal custody of my children, and determined that Nalini had been cruel towards me, had destroyed my well paid job in New York, and had fabricated a story of domestic violence as a counterblast to my divorce petition," Mehta said.

"Knowing that she was in serious trouble with US courts, Nalini decided to run away to India," Mehta said, "In order to carry out the

We had to spend our days with petty criminals. The woman who made false statements under 498 A got away scot-free, not even being charged with perjury. Everyone makes money. It is a form of legal terrorism. -Bhavani Ramamurthy, California homemaker.

abduction (of the children aged 12 and nine), Nalini claimed that her father was on his deathbed in India and his last wish was to be allowed to see his grandchildren," Mehta said.

"In India, my ex-wife filed a false dowry case. For filing this case, she lied and claimed that her parents had given us gifts worth \$ 12,000. She conveniently concealed the fact that ours was not an arranged marriage, and we had met and lived together in the USA, prior to deciding on marriage solely because she was pregnant," he said. Following his ex-wife's abduction of his children, the US government has revoked Nalini's passport. On July 12, Interpol issued an alert for her for the abduction of the children.

The delay in the Indian judicial system did not make it easier for Mehta. "While hearing my petition to quash the false 498A, the Delhi High Court judge told my lawyer, 'your client is a rich doctor in America. Why cannot he give his ex-wife what she wants? Unless you are willing to settle the case and give the ex-wife all what she wants, I do not have the time to hear your petition'", he said.

Mehta has written to US Congressmen, and Indian politicians from the Prime Minister downwards, and spent several hundred thousand dollars in legal fees. But he added, "I do not see any resolution in the near future."

The hapless victims at the receiving end of 498 A misuse are not even aware of the provisions of the law, especially if they live abroad. One such victim, Bhavani Ramamurthy is a homemaker in California, who unwittingly was caught in such a dispute. "In 2005 my brother's wife(both are Texas residents) had left for India with their child, following disagreements. In July, 2005, I went to India to attend my mother-in-law's funeral. One day, the police came to our home in Chennai and said that my sister in law was at the police station and wanted a reconciliation. When my mother and I went to the police station, we found my sister in law sitting there, although she did not speak at all to us. The police officer turned abusive and took me and my mother into judicial custody. Even though I told the police that neither I, nor my mother, had ever lived with my sister in law, it did not help. Both of us were taken into judicial custody, where we remained for seven days. The police also took my passport away."

Bhavani said that at every stage, she and her relatives, had to bribe the police to expedite the legal process. "We paid a lot of money at every stage. For them we (from the US) were like golden ducks. Till this happened, I did not even know that such a law existed. What amazed me was that the police-the investigating agency-did not question any of the statements that my sister in law made. We had to spend our days with petty criminals. The woman who made false statements under 498 A got away scot-free, not even being charged with perjury. Everyone makes money. It is a form of legal terrorism. I still get nightmares thinking of my experience."

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TV reporter catches Vayalar Ravi off guard

Indo-Asian News Service

Schaumburg (Illinois), July 13, 2006

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A television reporter caught India's Minister for Overseas Indian Affairs Vayalar Ravi off guard when she asked him what the Indian government had done to prevent NRI husbands from being harassed by their wives.

The question came when Ravi, on a visit to Chicago, was explaining to Indian Americans that the Indian government was considering a law to curb fraudulent marriages and the harassment and abandonment of brides by non-resident Indian grooms.

"What are you doing to protect the rights of husbands?" asked Vandana Jhingran, the Chicago reporter for Indian television channel TV Asia.

The aggressive questioning took the minister by surprise. He said most cases reported were of harassment by husbands.

"Are you telling me that there are no cases of wives abusing their NRI husbands?" asked Jhingran.

Ravi explained that the law was proposed following the recommendations of the National Commission on Women that favoured comprehensive legislation to protect brides in NRI marriages.

"Husbands have recourse to the judicial process," he said.

Jhingran's questions provoked applause from the male members of the audience, some of whom were later seen thanking her for "speaking on behalf of men".

She said she had been told of several cases of wives harassing Indian American men.

"In one recent case, the bride and her relatives got an NRI husband fraudulently arrested under Section 498 A of the Indian Penal Code (the harassment for dowry law).

He was in jail and could not even attend the last rites of his father. I am saying this as a woman - someone should stand up for victimised husbands too," Jhingran told the agency.

Earlier, the minister told Indian Americans that the question of voting rights for overseas Indians would have to be considered by a parliamentary standing committee.

"There is some precedent that if you have an Indian citizenship, you cannot become a US citizen at the same time," he said.

"But the overseas citizen of India (OCI) card could be considered the equivalent of Indian citizenship. It is more like the green card in the US."

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India's dowry fraud hits Botswana

Police issue arrest warrant against an Indian expatriate working in Gaborone and his family members

SUNDAY STANDARD REPORTER

The Indian community in Botswana has become the focus of police and human rights organisations in India in what is believed to be the latest case of India's international anti-dowry fraud. In a case that is expected to feature SMS messages and e-mail texts detailing the goings on in the tightly knit Botswana Indian community, police in India have already issued a warrant of arrest against an Indian expatriate in Gaborone, Rahul Chawla who is working for Kolok Botswana and his family members who reside in India.

The arrest warrants were issued after Rahul's wife Komal, who was working for CA Sales in Gaborone, left Botswana for India where she opened a case against Rahul under India's infamous Section 498a. The section deals with "cruelty to wife by husband with the intent of extracting dowry or behaving cruelly to the extent of driving her to suicide." The Indian government has made it a criminal offence for grooms to demand dowry from brides. The Penal Code makes it mandatory for police to arrest without bail, parents and other relatives named in a 498a complaint by the wife (bride). An arrest is made without investigation.

A flurry of SMS text messages between Rahul and his wife and a number of e-mail messages doing the rounds

among friends inside the Indian community however cast Rahul as a victim of India's international dowry fraud scam which has already hit countries like the United States of America. One of the SMS messages believed to be from Rahul's wife to Rahul reads: "One of the biggest mistakes I have ever made in my life was marrying you. I will make sure that you pay the price."

Rahul claims his wife and in-laws tried to extort about P 100 000 from him by threatening to file for Section 498a if he did not agree to their terms. "I told them to produce proof that I had extracted dowry from them and even promised to double the figure. They failed to produce the proof and instead went ahead and filed for 498a," Rahul told the *Sunday Standard*. Indian police immediately issued a warrant of arrest against Rahul, rounded up his relatives in India and locked them up.

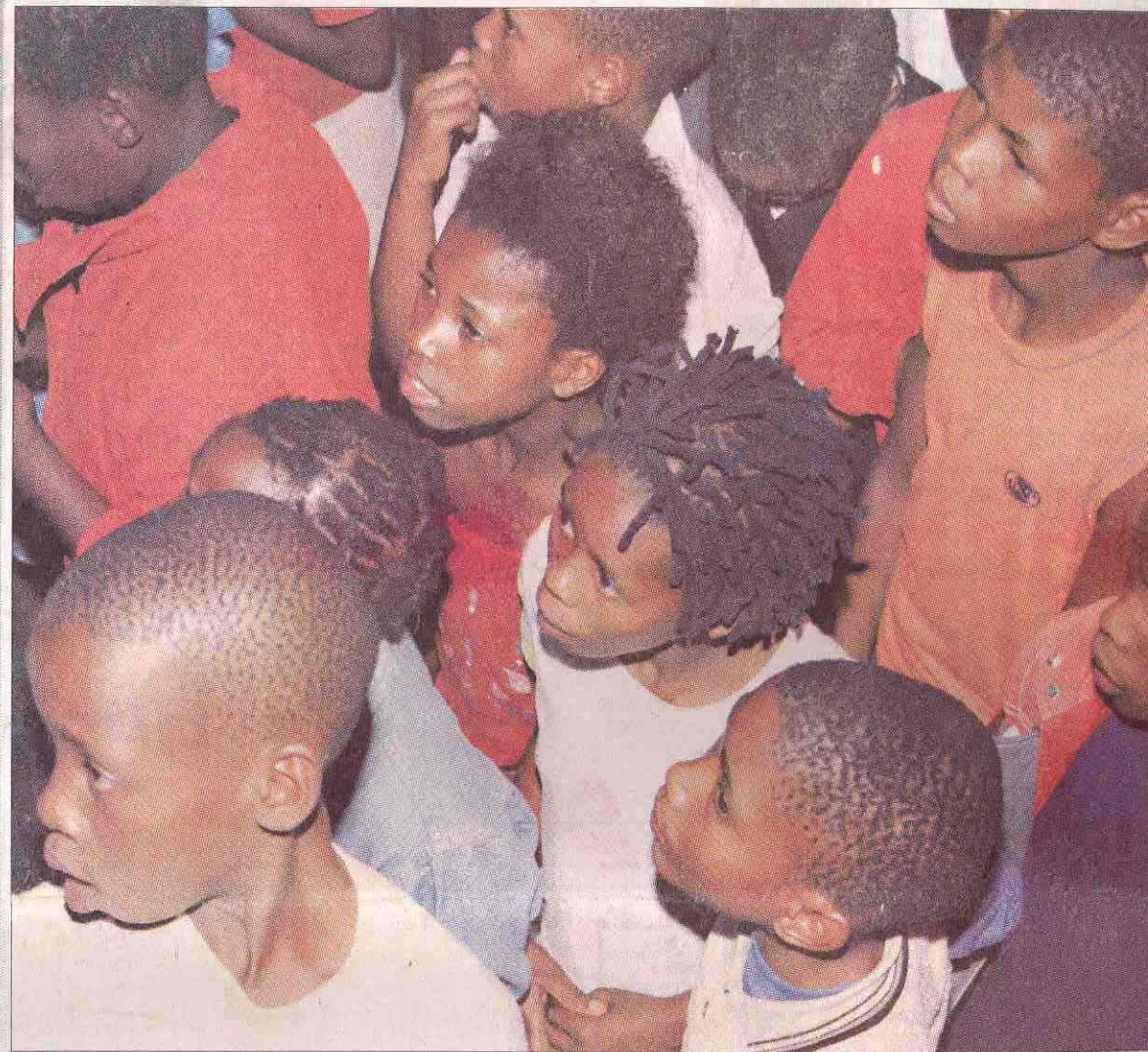
A report by India's Ministry of Home Affairs arising from an investigation chaired by Malimath has unearthed information that Section 498a has created an anti-dowry fraud racket in which, Indian women mostly married to husbands working or doing business outside India, use the anti-dowry law to blackmail and extort money from their husbands, before checking out of the marriage. It is estimated that about 30,000 false 498a cases are registered in India every year. An Indian High Court has also called for a review of

Section 498a because it is being used by Indian women to blackmail and extort money from their husbands. Observing that anti-dowry laws are being increasingly misused by wives to harass their husbands and in-laws, the Delhi High Court urged the government of India to review their provisions. Judge J D Kapoor urged the review while rejecting a plea by a woman petitioner, Savitry Devi, seeking the arrest of her brothers-in-law for allegedly harassing her by demanding more dowry.

The judge said in his order "I feel constrained to comment upon the misuse of the provisions of the law to such an extent that it is hitting at the foundation of marriage itself and has proved to be not so good for the health of the society at large." The judge observed: "there is a growing tendency to come out with inflated and exaggerated allegations, roping in each and every relation of the husband. If one of them happens to be of higher status or of vulnerable standing, he or she becomes an easy prey for better bargaining and blackmailing."

He added: "The ground realities have persuaded this court to recommend to the authorities and law makers to have a review of the situation and legal provisions." Rahul's wife could not be reached for comment as she is in India.

READ PAGE 3 & INDEPTH FOR DETAILS



Part of the crowd which attended the first day of maitisong festival at Old Naledi on Friday

Botswana- Anti-dowry immigration scam hot spot waiting to happen

SUNDAY STANDARD REPORTER

A good number of Indian expatriates working and doing business in Botswana - hard working and prosperous- fit the profile of an anti-dowry immigration scam victims which has been compiled by Save Indian Family Foundation.

The Save Indian Family Foundation is a non-governmental organisation which is campaigning against India's anti dowry fraud.

The foundation says most common cases of anti-dowry fraud involved "Monetary harassment: in this case, the woman wants out of marriage because she is not able to connect with her husband and hence treats the Section 498a as a voluntary retirement scheme to make a lot of money." Most of the victims are expatriate Indian husbands. Putting up a profile of the typical anti dowry immigration fraud victim, the foundation stated that he is "studious and less practical which makes him a good catch due to his earnings, but a boring life partner due to his simple and straight forward nature. His lifestyle does not meet requirements of romance. His woman feels life is becoming a drain and files for 498a to instantly gain a lot of money as settlement."

Botswana Indian community shaken by 498a fraud racket

For scores of Indian immigrants staying in Botswana, e-mail adverts of "homely, slim, fair" brides flagged on India's marriage websites may be the difference between freedom and prison — Writes SUNDAY STANDARD REPORTER

Rahul Chawla, an expatriate working for a computer company in Gaborone, is a face on one of the police "WANTED" posters in India. His widowed mother, uncle and siblings have been locked up in Indian jails. This, however, is not because of some rampant criminal gene that runs in the family. His wife of 20 months has filed charges against them under Section 498a alleging harassment to extract dowry payment.

The Indian government has made it a criminal offence for grooms to demand dowry from brides. The Penal Code makes it mandatory for police to arrest without bail, parents and other relatives named in a 498a complaint by the wife (bride). An arrest is made without investigation.

The law has been a life saver for Indian women who have been harassed and tortured by their husbands or his family, and calls up to three years' imprisonment and a fine for offenders. A BBC report last year stated that Indian government statistics showed that nearly 7000 women were killed in 2001 by their husbands and in-laws over inadequate dowry payments.

"Filing a 498a is as easy as ordering a pizza," says Rahul, explaining the simple procedure and how the police are compelled to follow up the complaint. India has a number of marriage websites flagging picture advertisements of "homely, slim, fair" brides. Some end up extorting money or visas from unsuspecting immigrants. The abuse of anti-dowry laws by Indian women pursuing vendetta against their husbands, however, has become so serious that the United States Department of State has published the following travel warning on its Website about "Dowry/Visa Demands" for travellers to India: "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 wife 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."

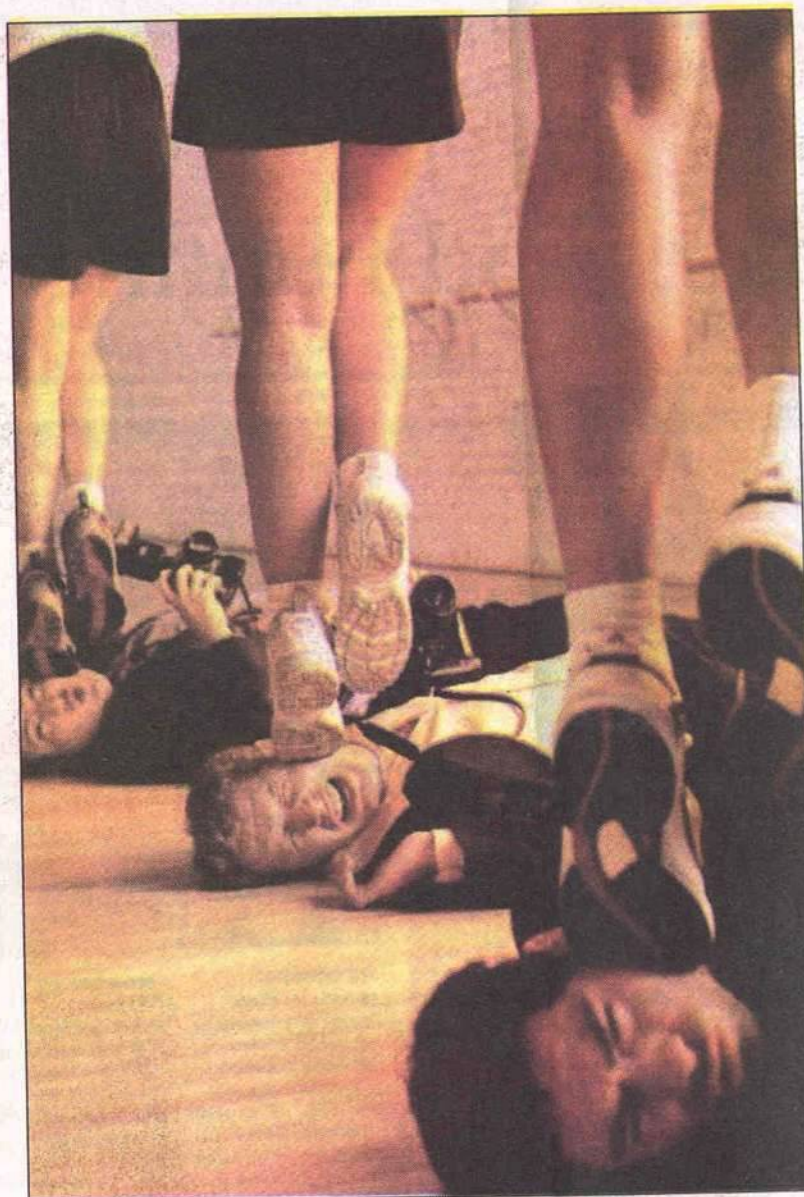
The State Department cannot say how many false complaints are filed each year. However, "the fact that we issued a warning should be an indication of how widespread the problem is," said John Peters, the department's Citizen Services Specialist for India.

A flurry of SMS messages on Rahul's mobile phone and e-mails on his computer suggests that he is a victim to India's dowry immigration fraud. An SMS message believed to be from his estranged wife reads: "I did the biggest mistake by marrying you but you will have to pay the price. A number of e-mail addresses and messages on his computer monitor links him to a growing and vocal community of so called "498a" victims which is mobilising over the internet, trading furious stories and offering help and advice for men who fall victim to dowry immigration fraud.

Rahul, a Non-Resident Indian (NRI), in Botswana with an M.Tech degree from one of India's most prestigious engineering colleges, Indian Institute of Technology (IIT) fits the identikit of an anti-dowry immigration fraud victim which has been compiled by Save Indian Family Foundation.

The Save Indian Family Foundation is one of numerous non-governmental organisation campaigning against India's anti-dowry fraud.

The foundation says most common cases of anti-dowry fraud involved "Monetary harassment: in this case, the woman wants out of marriage because she is not able to



Petticoat Government: 496 campaign posters depicting Indian women walking all over men

connect with her husband and hence treats the Section 498a as a voluntary retirement scheme to make a lot of money. Most of the victims are Non-Resident Indians (NRI).

Putting up a profile of the typical anti-dowry immigration fraud victim, the foundation stated that he is "studious and less practical which makes him a good catch due to his earnings, but a boring life partner due to his simple and straight forward nature. His lifestyle does not meet requirements of romance. His woman feels life is becoming a drain and files for

498a to instantly gain a lot of money as settlement."

Rahul has been living in Botswana since 1999. He married a well-educated girl named Komal Nanda in India allegedly without demanding any dowry. Fresh from the church aisle, both groom and bride took the next plane to Botswana where they lived together for almost 20 months.

Rahul says "Komal's greedy parents continuously disturbed our marriage with their unnecessary demands for money from their foreign settled

son-in-law. Having own responsibilities, we couldn't fulfill their demands which created differences between me and my wife.

Rahul says his in-laws started coming up with excuses and putting pressure on him to send their daughter to India. "At some stage they even proposed their daughter for marriage to another rich NRI in England who could easily fulfill their demands." He says his wife was sold on to her in-laws' designs.

In July 2003 he bought his wife a return ticket to India. His wife had claimed that she wanted to visit his father who was not well.

"On the eve of her departure I bought gifts for all her family members and a diamond ring for her. Just one day before her departure," Rahul flashes pictures of her estranged wife taken thirty minutes before she boarded the plane to India. The pictures show a happy wife all smiles and colourful dress.

No sooner had she unpacked her bags than "her family started blackmailing me demanding INR 10 lakh (P110,000). They threatened to file false dowry harassment cases against my family.

Rahul says his parents stood firm against the threat. His brother recorded calls from his in-laws blackmailing Rahul's family. The tape was passed to the police who put it away and forgot all about it.

Rahul says although Komal never stayed with his family after marriage, Indian Police booked the whole of Rahul's family under non-bailable offences and kept them behind bars for days.

He says his wife fabricated a list of dowry items with exaggerated claims. Rahul, who claims he did not taken a single penny from his in-laws at the time of wedding, asked the Indian Police to give him the bills and promised to pay double the money to the girl's side if the bills are verified. He asked that his widowed mother, uncle and siblings be spared from the 498a harassment in return.

A year later, the Indian Police who have been held hostage by India's strong women lobby groups have not made any effort to verify the claims although there are orders from the home ministry to investigate the matter properly. A number of e-mail messages from senior officials in the Indian Police Force involved in the investigation suggest

that they believe Rahuls in-laws may have framed him, but there is little they can do. They instead claim that the money Rahul's wife is demanding is her income she earned during her 20 month stay in Botswana.

Rahul's wife has currently filed for divorce and is understood to have made a huge settlement demand. It is estimated that about 30,000 false 498a cases are registered in India every year.

A member of the anti 498a community stated, "I'm working in the social welfare department and come across hundreds of cases where Punjabi girls once in the UK, leave their in laws' house, attain permanent

residency and return to India. This is either to help siblings settle there or to marry their boyfriends and bring them back to the UK. This problem was highlighted by the immigration department and they increased the time span for permanent residency from one year to two years. Still people abuse it, says Akilesh settled in Birmingham, UK.

Such cases also abound in Canada where unlike UK as soon as the spouse gets a visa stamp, he or she becomes an immigrant. If the girl sponsors the boy, she thinks she can make him dance to her tunes and vice versa says Daljeet Kaur, lawyer who has fought cases of victimized NRI wives.

Skelemani running with the hares and hunting with the hounds

Continued from PAGE 5

Although President Festus Mogae would want to be remembered as a president who went to great lengths to bring about tribal harmony, Ndaba tars Mogae's with same brush he uses on the two preceding presidents.

To Ndaba, like his predecessors Mogae has failed. He is a helpless hostage of the vested tribal interests of the so called principal tribes. He points out that Mogae has been too obsessed with placating and appeasing the dominant tribes at the expense of others.

Although he wants to take credit for coming up with changes, "Mogae's changes are cosmetic, meant to maintain the status quo under different names."

"That is how they forced him to backtrack and withdraw the first white paper which had some hope of settling this matter."

He contends that there can never be ethnic equality as long as there are certain tribes mentioned by name in the constitution, at the exclusion of others.

He is adamant that as the foundation of all laws of the country, the

constitution should either mention everybody, or mention nobody. Mentioning some and excluding some creates distortions of identity, he maintains.

"What pains is that this thing can be resolved overnight. We have never called for a revolution. All we are saying is either we are all there, or nobody is there."

His advice to those with the power to institute changes is that history is awash with examples of ethnic wars and strife, "and these people did not wake one morning and say we are starting a war. These wars are a manifestation of a long struggle of people clamouring for recognition, talking nicely to those who suppress their being until they said 'oh no. Enough is enough.'"

At the end of the interview Ndaba says wryly that there is not much option for SPIL but to continue with its struggle not only to promote Ikalanga, but also to point out the inherent evils of inequality of ethnic groups — a sad, and hard but worthwhile struggle which for SPIL will all be the harder without Phandu Skelemani's brains who they will miss as he is now presenting from the government benches.



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[Churches](#)

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[Bazaars](#)

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In this page we carry features and articles written by GaramChai.com. Feel free to write to us if you have an idea you wish to have featured.

Interview with an NRI Divorcee

When Nisha Sharma brought her dowry-monger of a fiancé to justice, she became media's favourite maiden.

An icon for young women, a case study for ladies' forums and the torch-bearer of the Indian middleclass girl's cause.

But there are a few guys out there who do not take dowry and never make the headlines.

Like this young NRI software engineer who gives *Hyderabad Times* an account (on the condition of anonymity) of how his marriage ended in a disaster.

And he believes it's because he took no dowry.

"I am a young software engineer, well settled in the US . I had it all, a decent apartment, a nice car, a good job and an above average pay check."

"I was perhaps a prize catch, a part of the growing tribe of 'NRI techies' in the US . After a trip to India , to 'see' a girl selected by my parents, we got married in the traditional way. No dowry was asked for, given or received."

"After the new bride joined me in the US , small tiffs started erupting over little nothings. Soon the 'usual' tiffs erupted into bigger brawls."

"About two years into the marriage, the (now ex) wife and her parents arm-twisted me into sponsoring her education in a town about 100 miles from where I lived and worked."

"She then moved there, ostensibly to pursue her ambition of getting a US degree. I was left leading a bachelor's life while the wife whose visa and Green Card I had sponsored lived hundred miles away."

"I shouldn't have been surprised when, one evening, a courier knocked on my door to deliver the divorce notice from the wife!"

"I can't help thinking that meticulous planning had gone into that action. She ensured that she had moved her belongings including jewels, personal belongings and stuff in the pretext of taking them for our impending trip to India ."

"Her dad, a senior bureaucrat, had made an 'official' trip to the US a few months before that, to supposedly to patch things up between us."

"I was in a quandary. I would have to prepare myself to grapple with notorious American lawyers and I wasn't ready! Without a pre-nuptial agreement, a divorce in the US can leave the earning member of the family extremely vulnerable."

"In a typical filmy style, the ex-wife's lawyer, demanded a hundred thousand dollars to settle the case out of court. To throw salt on my wounds, the ex-wife, during a mediation debate threatened to file a dowry lawsuit in India if I did not meet her demands!"

The practice of young NRIs demanding 40 to 50 lakh as dowry is rampant in AP.

The narrator of this account claims at the end of his ugly divorce, he was left feeling that if he had demanded that amount from his wife's parents, he could perhaps have thrown it back at the ex and walked away with only a bruised ego.

(As told to Revathy Menon, TOI) Source: [TIMES NEWS NETWORK](#)

Note: The opinion presented here is that of the author and not GaramChai.com

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NRI Services



Till dowry do us part

A growing number of NRI men allege they are victims of Section 498A, India's anti-dowry law, which they claim is used to harass them. **George Joseph** reports

When Dr Jayakrishna Ambati, his younger brother Dr Balamurali Krishna Amabati, and their mother were arrested in an alleged dowry-harassment case in November 1995, it caused an uproar in the Indian-American community, even making it to the front page of the *New York Post*. Compounding the media interest was the fact that Balamurali was a minor celebrity of sorts, being, at 17, the youngest doctor to graduate from the Mount Sinai Medical College.

Four years and a bitter legal battle later in India, the family was acquitted of all charges by the Kolar Gold Fields sessions judge K S Venkoba Rao on April 28, 1998.

And therein lies a story, one that continues to reverberate quietly through the ranks of the married NRI men who face similar dowry cases back in India, claiming they are no more than innocent victims of a well-meaning law - Section 498A of the Indian Penal Code - run amok.

The law has its origins in the horrific string of homicides in the '80s when unsuspecting brides were burnt alive for not bringing enough dowry, and their deaths passed off the husband and in-laws as due to a bursting cooking-gas stove.

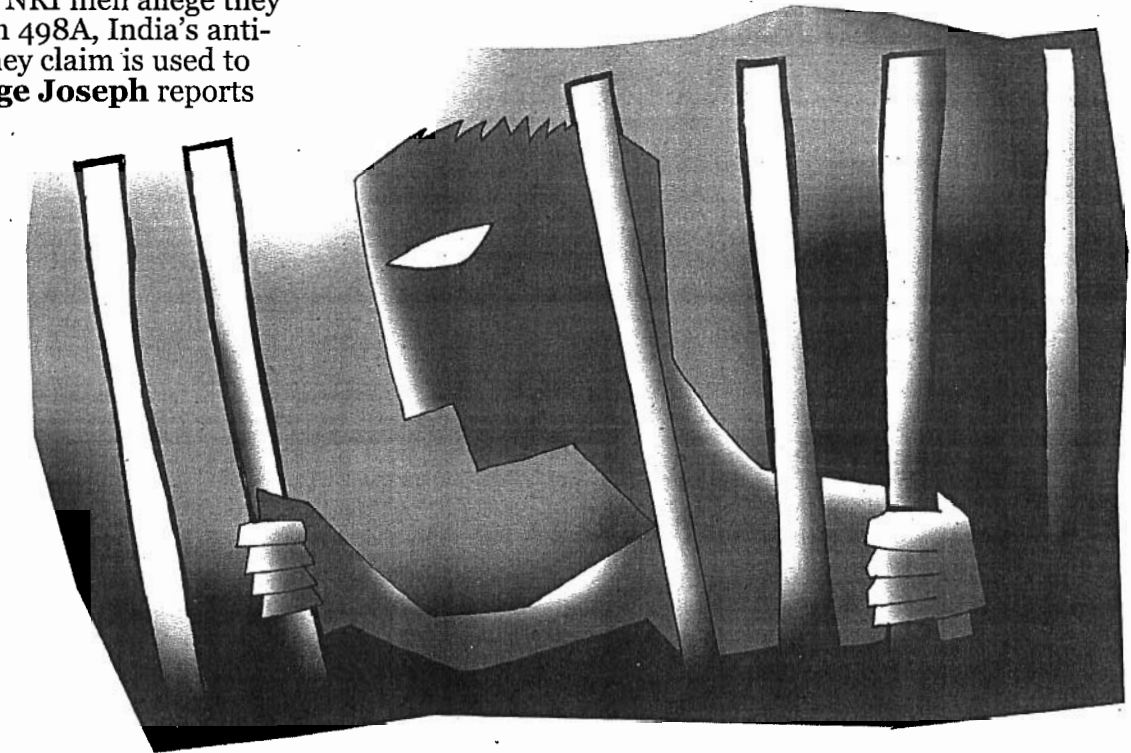
Following public outrage over the spate of deaths, the anti-dowry law was enacted, making it a crime to demand or take dowry or harass the bride and her family for the same, either before or after the wedding.

The most famous application of the law took place two years ago when a young bride-to-be called the police from the altar when her in-laws refused to proceed with the ceremony unless they were paid the dowry up front.

Increasingly, however, NRI husbands in the United States are coming forward with their stories where they claim the law is being used to harass and intimidate them, often in divorce and custody cases.

Loaded in favor of the plaintiff, Section 498A allows for the husband and his family, sometimes extended, to be arrested and held without bail until the case comes to a court of law.

"The law was made to protect the ordinary women in India, but it is used by the women from cities, highly educated and ambitious, to settle scores with their former husbands and fleece money from them," says Rahul Agarwal, a resident of the Bay area, California, who claims he is a victim of the misuse of Section 498A. "Professionals like me are busy with our career. We have no time to think of such things. We keep more Indianness here than these women who come from



UTTAM GHOSH

cities more Westernized than us and with ideas of women's liberation."

However, genuine cases of harassment for dowry still far outweigh the aberrations. Purvi Shah of Sakhi for South Asian Women, a support group for victims of domestic violence, points out that in Punjab alone, the number of women abandoned by their NRI husbands, who married for dowry, is in the region of 15,000.

"In some cases an NRI man will marry two or three times, collect dowry, and leave the brides after a few weeks," she says.

The Ambati case, however, stands out both for its profile as well as the starkest illustration of how a perfectly good law can be twisted out of shape.

Though the Karnataka High Court ruled twice that the trial should be completed within 3 months, the case dragged on, and the family was separated for over three-and-a-half years.

Balamurali lost two years of his career because he had to wait until 1998 to start his ophthalmology residency at Harvard, which he was supposed to join in 1996.

The Ambati family also claims

that plaintiff Archana's father, a former honorary Home Guard, had undue help from the police.

Jayakrishna says he had put the episode behind him. "It was a bitter nightmare. I don't look back at things that happened. I look forward to accomplish things," he said.

He said his former wife stayed with him only for a few days. "She did not want to be here. It was an arranged marriage and she was only a high school graduate," he said. "Many people think of the Indian women as the epitome of virtues only. That generation has come and gone. They might have been there dur-

ing the generation of my parents."

Indeed, most of the cases involving NRI grooms are fallouts of arranged marriages, in which the parents decide who their son or daughter should marry. And NRI grooms are a prized commodity in India, often holding out hope for a better life.

In many cases, the arrangement does not turn out as expected; in some cases, it is the lack of support systems and services in the US, and sometimes due to the presence of the in-laws in the same house.

NRI weddings: look before you leap

Victims of abuse by women say that the draft of a booklet by the Ministry of Overseas Indian Affairs titled Information Booklet on Marriages to Overseas Indians Safely is a slap on their face and against basic freedoms.

"It is maligning and defaming all Indian immigrants in the United States," says Gope Lalwani, who is associated with the Save Indian Family movement. He has demanded an unconditional apology from the ministry, saying the booklet suggests that Non-Resident Indians are cruel arrogant and are frauds.

"The draft is completely biased towards women," says Dr Vikas Kumar, who claims to be a victim of Section 498A. "There is discussion only about women rights and no point for men rights! This clearly indicates the gender bias in making such draft."

In a post on the ministry's website, one reader wrote "Is the Indian government trying to suggest that overseas Indians are female beaters, abusers and do not have respect for their marriage and their wives? Is the government trying to prove that the NRIs who bring fame, glory and prestige for the nation are a bunch of cruel people?"

The ministry said it came out with the book-

let following the increase in incidents of women who marry NRIs being ill-treated.

On the other hand, the US State Department is aware of the problems caused by misuse of IPC Section 498A and had issued a travel advisory a long time ago that 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.

The Canadian embassy too has a warning for its citizens going to marry in India. A growing numbers of Canadian citizens have been caught up in marital fraud and dowry abuse in India. Most cases involve Indo-Canadian men who abandon their wives in India after cheating them out of large sums of money. Other cases involve misuse of India's Dowry Prohibition Act. This law, which was enacted to protect women and makes demanding a dowry a crime, is sometimes used to harass men through false charges of dowry demands.

"To avoid such problems, you are advised to register your marriage in India along with a joint declaration of gifts exchanged, as well as consider a prenuptial agreement," the embassy cautioned.

Meanwhile, India's National Commission for Women, based in New Delhi, has issued a report to the Ministry of Overseas Indians Affairs, wherein it made the following recommendations for women seeking to marry NRIs: Compulsory registration of marriage; bilateral agreements for protection of such marriages be concluded between India and such other countries where the Indian diaspora is in large numbers; concerned Indian laws to apply irrespective of the place of the filing of the petition for dissolution of the marriage, if the NRI husband has not become a citizen of the country or residence; government monitored conciliation process of settlement of matrimonial disputes be initiated and; suppression of information regarding marital status by NRI grooms be dealt with under criminal law and steps taken through extradition treaties wherever operational.

Other measures suggested include seeking the help of authorities at the workplace of the husband, attaching property in India, initiating legal action against the fraudulent spouse for compensation in India and; if withdrawal of dual citizenship to the husband, if it has been given.

Should the bride return to India, it is fairly easy to file a case: all it takes is a letter to the police. This section is non-bailable (only court can give bail), non-compoundable (complaint cannot be withdrawn) and cognizable (arrests without investigation or warrants). A non-bailable warrant does not require proof before arrest. No investigation is necessary.

Yogesh, who declined to give his full name, has been living in the US since 1997 and got married in 1999 without, he claims, any dowry. "My wife would threaten me that if I did not break ties with my family in India," he told *India Abroad*. "When I couldn't take it any more, I moved out taking only my clothes and leaving behind everything."

After he filed a no-fault divorce in the US, his wife returned to India and filed a dowry harassment case against him and his parents and sisters in India. Alleging 'dowry demands, physical abuse, mental torture, and financial cheating,' despite the fact that none of the charges were raised in the US court where the divorce was granted.

"My ex-wife obtained her green card through my sponsorship and she continues to work and live comfortably here while I and my family suffer every day and are struggling to protect ourselves against false charges and legal case still pending with the police and courts in India," Yogesh said. "I cannot visit India. For my parents who have lived a truthful life, this is too much to bear. Where is justice?"

A similar case entangles Prakash, a New Jersey resident who also declined to have his full name used. Although his was also an arranged marriage, he met the girl before the wedding and ascertained that she was marrying of her own will. He left for the US two days after the wedding and his wife joined him on a H4 (non-working) visa a month later. "But she was a different person, she would not speak to me, not interact with me," he charges. "She was not interested with anything to do with me and began to insult me in my friends' circle to the point where it became unbearable."

He claims that she then told him she had been seeing someone else before marriage and that she had consented under pressure from her family.

They went back and decided to seek a divorce. "But her family started asking for money. It was unbelievable," Yogesh says. "They demanded \$100,000. When we did not agree they filed an IPC 498a case. Now my family is going through hell. My parents who are over 60 are going through all these for no mistake of them."

"Our family goes to the court regularly, but her's does not show up. After this I am scared to marry again."

The more painful cases, however, are like those of Dr Rajeev Mehta, where children's custody is involved. Mehta, his former wife and two children are US citizens, but the Indian court accepted a case against him ignoring the fact that it has no jurisdiction, he said.

He and his wife met in 1994 and after living together briefly, got married in New York.

"Soon after our marriage, problems started becoming all too obvious. After marital counseling with three counselors failed; I filed for divorce in the US in 1998," he said. After three years of litigation, through which his wife used seven lawyers, Mehta was awarded custody of his daughters based on the recommendations of the court appointed guardian ad Litem, the court appointed psychologist (selected by his ex-wife's third lawyer) and custody evaluator, as well as the court's own findings.

His ex-wife soon presented a medical certificate saying that her father was seriously ill and wanted to see the grandchildren.

"However, as soon as she reached India, my ex-wife - who is a US Citizen, not domiciled in India and even though neither of us had been to India since 1998 - filed cases in the New Delhi courts to challenge the US divorce and custody judgments, saying that she wanted to re-litigate the divorce in India," Mehta told *India Abroad*. "For almost four years, I have challenged these cases but am facing the problem of delayed/denied justice by the Indian courts as my ex-wife's family and lawyers have postponed several court appearances using political and legal connections," Mehta said.

Three months after the US divorce, she also filed a dowry harassment case against Mehta, charging that her parents gave gifts worth approximately \$10,000 over the four years of the marriage - and average, Mehta points out, of \$1,250/year at a time when "I was earning \$425,000 a year as a specialist/medical consultant and she was earning about \$86,000 a year" - and that constituted dowry.

His ex-wife now wants the Indian court to overturn the US court's orders and give her custody of the children and also some properties.

The Superior Court of New Jersey subsequently issued a criminal arrest warrant after she refused to return the children to the US, following which the Federal Bureau of Investigation issued a Unlawful Flight to Avoid Prosecution warrant. The US State Department intervened unsuccessfully with the Indian Government



■ Purvi Shah, executive director of Sakhi for South Asian Women

'Everyone deserves life free of violence'

Purvi Shah, executive director of Sakhi for South Asian Women, a New York based organization working for preventing violence against women, says there could instance of the abuse of section 498-A by some women.

"I feel sorry for the men who are taken advantage of. No one deserves to be subjected to unjust claims or violence," Shah said.

However, she pointed out that the "the number of men who face unjust treatment is far overshadowed by the number of women who face domestic violence or abandonment by NRI husbands, there is far greater gender discrimination and violence in the community against women."

"For example, the number of women abandoned by their NRI husbands has caused concern in many regions in India," she said. "In Punjab alone, it is reported that 15,000 women have been abandoned by NRI husbands. In some cases an NRI man will marry

two or three times, collect dowry, and leave the brides after a few weeks."

Shah welcomed the proposed manual by the Ministry of Overseas Indians on how to marry an NRI since it provides useful tips for assessing whether the marriage is safe.

Shah said fake marriages are an issue our communities need to address. A few weeks after the marriage, grooms who abandon their wives can leave the place and cut off all communication. "In these situations, women suffer because they believe they are still married and bound to a relationship that simply doesn't exist for the husband."

Given Sakhi's work is based in the US, Shah admits she has not met any woman who filed a case based on 498-A or a victim of it. But she is against scrapping the law. "Such laws are needed to protect women," she said. "If somebody misuses it, there should be safeguards in the implementation

of it. For every woman who has the courage to file the complaint, there are many others who do not report the violence in their lives for fear of family, community, or police retribution."

In India, many women and their families think that marriage with an NRI is more desirable. Some may want to live in the West also. "But once they are in the foreign country they may face violence," she pointed out. "Yet many women will not report violence or pursue a divorce fearing the social stigma attached to it - and because they believe they will bring shame to their families."

Shah indicated that for violence to end, the community needs to re-define how it treats men and women. "We need to support healthy relationships and understand that everyone deserves respect and a life free of violence. If we do take a stand against violence, our communities will be stronger for it."

"What makes it worse," says Mehta, "is the bias of the NRI ministry and the Ministry of External Affairs against NRIs," and the ludicrous length they can go in their efforts to secure justice for women.

If that sounds draconian, it can be, depending on how it is used. Indian Penal Code 498A, the linchpin on which all these cases turn, is a criminal law stating that "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 law can only be invoked by wife/daughter-in-law or her relatives, and can be filed even after a divorce.

However, only two percent of the cases have reached conviction, with some being for blackmailing the husband's family, victims point out. The Delhi High Court once dubbed it 'legal terrorism.'

However, even if the defendants are acquitted, the case can take up to four or five years, if not more, to resolve. Even those who are not part of the 'day-to-day' family life can be named and arrested on the basis of a single complaint, which can also include pregnant women and children.

Victims say that most of the cases are filed because the husband refuses to throw his parents out of the house at the wife's demands. They also allege that with the law weighted in favor of the wife's side, police and lawyers often advise the husband to settle the matter financially out of court, and sometimes try to fleece the defendant.

Many victims consider the women's rights organizations responsible for such a situation.

A committee under Justice Malimath, former chief justice of Karnataka and Kerala High Courts recommended making 498A bailable and compoundable.

Indeed, in Punjab, Patiala Zonal Inspector-General of Police Rajinder Singh recently went so far as to direct senior superintendents of police to exercise restraint while proceeding against members of families charged under various dowry crimes.

Singh was quoted in the Indian media that in some cases, members of the accused family had committed suicide because of the humiliation suffered by them.

Meanwhile, the Ministry of Overseas Indian Affairs has proposed an information booklet on 'Marriages to Overseas Indians Safely.' The National Commission for Women in New Delhi has also prepared a report on the problems of NRI marriages and a proposed Draft Convention (See Box).

Interestingly, though, while the ministry recognizes that dowry is one of the causes of failed and/or fraudulent marriages, it also notes that sometimes failed marriages are an outcome of 'lack of modernization amongst rural brides to respond to the Western way of life.'

Nonetheless, the issue being a state subject, the ministry has advised states to formulate their own responses. Additionally, it has advised that Indian diplomatic mission abroad, whenever they receive a complaint of torture or desertion of Indian wives by their NRI-husbands, 'render all possible assistance with a view to bringing about an amicable settlement.'

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INDIA WEST

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THIS WEEK

Activists Decry Dowry Laws

In the year since **India-West** published its award-winning article exposing the scope of dowry fraud, many victims have come forth with their stories. Now Indian American victims of dowry fraud are mobilizing to change the Indian Penal Code.



A28

National — U.S.

INDIA-WEST — February 3, 2006 — **A31**

India-West Reporter Receives NCM's Top Award at Banquet



SAN JOSE, Calif. — India-West's Lisa Tsering speaking to the audience after receiving the New California Media's award for the Best Investigative/In-Depth story in English in the print media category. She received the award, which she won for her story on Indian husbands falling victim to dowry fraud, at the 7th NCM Awards banquet Jan. 26. (Som Sharma photo)

Activists Mobilize to Change Indian Dowry Laws

The publication of the award-winning article "Indian Husbands Fall Victim to Dowry Fraud" (*I-W*, Dec. 31, 2004) has inspired a groundswell of activism among Indian American men. Now that *India-West*'s article has drawn this issue into the public eye, victims of dowry fraud are mobilizing in greater numbers.

— Editor

By LISA TSERING
India-West Staff Reporter

In the year since *India-West* published an article exposing the scope of dowry fraud, many victims have come forth with their stories. Now, Indian American victims of dowry fraud have outlined their mission — to change the Indian Penal Code — and have begun to mobilize online and in the public sphere.

"Till now, there has not been much awareness [of the problem]," Rahul (not his real name), a 29-year-old Silicon Valley research engineer, said this week. "There are hundreds of victims here. The *India-West* article definitely helped, by portraying the reality of what's going on, especially since the major dailies

in India have been hesitant to publish our stories."

A growing number of nonresident Indian men are being victimized by their brides, and their brides' families, who falsely accuse them of demanding dowry. Accused under Section 498A of the Indian Penal Code, which makes demanding dowry a crime, these men have even been thrown into Indian jails when they visit India. Though they may be American citizens, since they are accused of a crime they find little solace through United States missions in India.

If the man is not in India when the charge is made, his family can be fined, or jailed in lieu of fines, and many men have reported that it has cost them tens of thousands of dollars to pay legal fees. Often, the bride's family offers to "settle" out of court for vast sums of money, which 498a victims and their advocates say is tantamount to extortion.

The creation of the biggest online forum yet addressing the issue may change that.

A group of activists has created www.498a.org, a Web site with an active blog and forum.

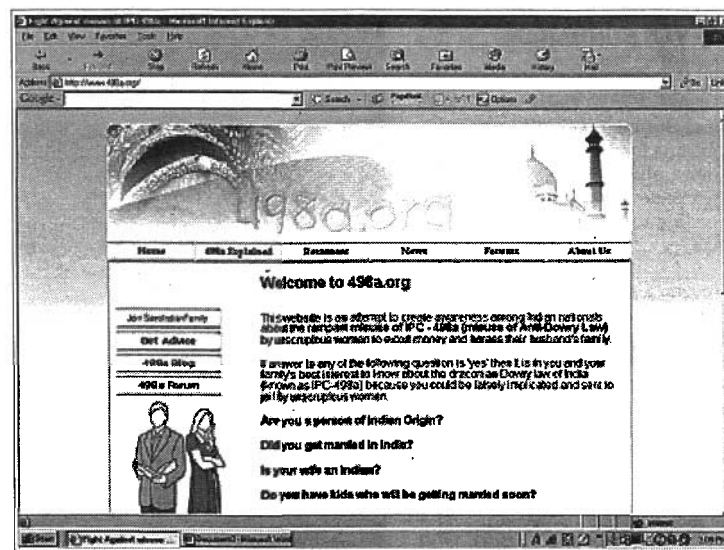
The self-funded group, which calls itself Save Indian Family,

or SIF, offers informal help and advice to 498a victims, recommends legal proposals to the Indian government, and claims to work toward progressive marriages, domestic harmony and the eradication of dowry. The site also offers definition of relevant legal terms.

"The reason we created the Web site, and the reason we are creating awareness, is we found that this was injustice and a basic breach of human rights by people who are misusing this law," Rahul said in an email.

The group is also asking the public to sign an online petition at MyNation.net demanding revisions in the law. Although Rahul said he knows that it's hard to get online petitions taken seriously, he said that once they amass at least 1,000 signatures, they will file a statement with the Indian government.

Rahul claims that his wife, an American-educated Indian woman, displayed bipolar behavior after their marriage; when he filed for divorce, she



A recently launched Web site, www.498a.org, answers many questions for Indian American victims of dowry fraud.

tract large sums of money from NRIs," said Satya, a contributor to the site. "There are thousands of people suffering in the U.S. alone."

Representatives of the group made a showing at the recent Pravasi Bharatiya Divas in Hyderabad, but felt frustration that the Ministry of Overseas Indian Affairs placed the wrong

obliged to record the complaint and begin an investigation). Activists are seeking to reverse those three factors.

There is also no law against filing a false claim, said Rahul, calling for lawmakers to make it a crime to file a false claim.

In future, the group also hopes to address other issues, such as parental child abductions to India, elder abuse, and the Indian government's refusal to legally accept divorces granted in the U.S., requiring the couple to be divorced anew in India to avoid charges of bigamy.

Online at www.498a.org, the activists have been battling around proposed solutions, such as getting in touch with younger politicians in India such as Rahul Gandhi, political heir-apparent to the Nehru-Gandhi dynasty, to get their point across.

"Since the last 50 years we are being ruled and having ideas imposed on us by the previous generation," said one contributor to the site.

"Most of the ways and ideas of the 1950-1965 generation don't work now."

"Since the last 50 years we are being ruled and having ideas imposed on us by the previous generation. Most of the ways and ideas of the 1950-1965 generation don't work now."

retaliated by filing a police report in India accusing him of demanding Rs. 20 lakhs dowry.

"Even the lawyers in India have nowadays started suggesting [to] their clients to misuse this law to harass the husband's family in cases where marriages go south due to myriad of reasons," he told *India-West*. "In urban India, this law is being rampantly misused."

"False dowry complaint has become a racket in India to ex-

emphasis on fraudulent NRI marriages by stressing in a statement the victimization of Indian brides by unscrupulous Indian American grooms.

Currently, a 498a offense is:

- Non-bailable (meaning that the accused can remain in police custody at the court's discretion);
- Non-compoundable (even if the accuser withdraws her complaint, the court can continue to investigate and prosecute); and
- Cognizable (the officer is



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Monday July 24 2006 00:00 IST

IANIS

After a year of his marriage in 2003, Jatinder who married Seema (names changed) returned to India from California at his wife's nagging, unaware that he was landing into deep trouble. At his in-laws' house, he was drugged, threatened at gunpoint, imprisoned illegally for weeks, forced to pay \$60,000 and forced to apply for visas for the rest of Seema's family, according to his complaint with US immigration authorities. After his family in the US informed FBI in New Delhi and Delhi Police, he was freed.

How an Indian bride cheated and harassed New York's renowned Ambati family has set a new, low standard for rotten NRI marriages. Well known for their social and community service with donations in thousands of dollars, the Ambati family was harassed by their daughter-in-law, Archana, just four months after her marriage in 1995. Archana accused her husband, Dr. Jayakrishna Ambati, and his family of demanding Rs.50,000 (\$1,200) in dowry and mental and physical abuse, right on the day they were due to be honoured with a major award during a visit to Andhra Pradesh.

Instead of the celebration, they were taken into custody under section 498 A of the Indian Penal Code. Dragging for four years, the case reached the Supreme Court. In 1996, the court dismissed all charges, but Archana appealed. During the trial, the Ambatis produced an audiotape in which Archana's father, Nanda, demanded US \$500,000 to drop all the charges.

Although the prosecution opposed this evidence, the court in February 1999 admitted this evidence. Archana then wrote to the ministers for Home Affairs and Law & Parliamentary Affairs that she was "unconditionally withdrawing" all charges against the Ambati family.

The Ambatis paid a high price as they were separated for three years, and eminent physician Dr. B. Ambati, Jayakrishna Ambati's brother, lost two years of his professional career in addition to financial losses and mental

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trauma.

These are just two of thousands of cases of NRI grooms who are cheated, defrauded, hounded and extorted by Indian brides who manipulate the highly biased dowry laws of India. Conniving Indian brides who make false complaints under IPC 498A, torture not just the grooms but also their parents, siblings and the extended families.

The coy Indian bride, has undergone a sinister makeover. The educated girl gets married to an unsuspecting NRI groom for reasons other than holy matrimony. The 'underground' reasons for marriage include: supporting her family in India by transferring large sums of money from her husband's earnings; nagging her husband for obtaining a Green Card or immigration to the rich countries for her parents or siblings, filing a divorce in the new country as soon as possible to settle down on her own or with her boyfriend, claiming huge sums of money by filing false dowry harassment charges, among others.

Filing a non-bailable dowry case under IPC 498A is easier than ordering a meal. But while a restaurant can refuse service, the police normally arrest the groom and the in-laws. While the Indian media is flooded with reports of dowry-related bride torture, it hardly mentions the horrific cases of suffering husbands at the hands of cunning wives.

After matters reached a critical stage, a police unit for the grievances of the husbands was formed, but it is far short of the response required. Thus many vocal groups of so-called 498A Victims have been formed over the Internet with websites, blogs and web groups to highlight their horror stories, lists of victims and help and advice for men in this dire situation.

NRI husbands are at a further disadvantage in this scenario. A travel warning on "Dowry/Visa Demands" by the US Department of State at <http://travel.state.gov> warns: "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.

"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." Sometimes, the parents are also kept in jail. And the cases drag on, and on in courts. The complicated Indian administrative

machinery is greased by bribes and NRIs are not adept at this game.

A Ministry of Overseas Indians booklet warning about NRI husbands defrauding their newly-wedded wives queered the pitch against NRIs, resulting in a vitriolic response as it paints all NRIs in a very negative manner. An article about this problem in this column had a similar reaction from scores of NRIs and the 498A victims.

NRI marriage dreams can turn into nightmares - both for wives and husbands.

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India Abroad

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Ministry biased against NRI husbands?

I would like to bring your attention towards the website of Ministry of Overseas Indian Affairs (MOIA). There is a section which talks about the issue of 'failed and fraudulent' marriages with NRIs (<http://www.moia.gov.in/dfmain1.asp?tid=1>). Ironically, the ministry intended to protect NRI rights is trying to put all the blame for such failed marriages on NRIs. The website also published the letter sent by the MOIA secretary to all the chief secretaries of Indian states in this regard. There is also a draft of an *Information Booklet On Marriages to Overseas Indians* which the MOIA wants to publish.

A cursory reading shows how outrageous the contents are. All the examples of 'typical incidents' the booklet cites suggests that the overseas Indian groom and his family members are cruel, arrogant and indulge in fraud. Further, it suggests that the overseas Indian (abbreviated to OI in the booklet), and his family members are solely responsible for failed/failing overseas marriages. Every 'overseas marriage' has similar problems as an marriage in which the couple lives in India.

'Overseas Marriage' has additional caveats due to immigration/visa issues. Indian government, The National Commission on Women and other women organizations cannot say that the husband's family is mostly is responsible for 'sufferings of women who are the victims of marriage to Overseas Indians.'

If any of the above organization has cited the statistics to support their findings, it must be present on MOIA's site (along with it's source). Is the Indian government trying to suggest that OI's beat and abuse women and lack respect for the institution of marriage and their wife? Is the government trying to prove that the NRIs who bring fame, glory and prestige for the nation are bunch of cruel people.

I have seen umpteen cases here in the United States where in a tense relationship, the wife goes back to India and files a false dowry harassment charge and misuses IPC 498a to get back at the husband's family.

There are cases where a wife wants to support her family in India by sending them part of husband's earning and when husband objects to that, problems start in their marital life. There are cases where marriage turns sour when wife tries to control husband's life in various ways.

The booklet must provide details and directions for both men (including OIs) and women about how they can protect their own rights before, during and after marriage both in India as well as overseas. The MOIA should also publish the names of the NGOs, law agencies and addresses of the people who helped MOIA prepare this draft. The booklet should help all the Indian citizens irrespective of their gender and location. The MOIA should consider the facts and such views before finalizing the contents.

Vijay Sharma
San Jose, California



India Abroad

1 of 1

Friday, December 16, 2005 Vol. XXXVI No. 11

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India Abroad December 16, 2005

Not all husbands are guilty

I came across a letter in (India Abroad, December 2) 'Ministry biased against NRI husbands?'

Is the NRI family always at fault in a marriage gone sour? The High Level Committee on the Indian Diaspora (HLCID) and Ministry of Overseas Indian Affairs (MOIA) in its efforts to curb fraudulent marriages between NRI grooms and Indian girls, is trying to publish some guidelines to be followed in such marriages. First and foremost, the statements made by HLCID and National Commission for Women (NCW)'s recommendations in trying to solve the issue give the impression that the NRI grooms are the only ones responsible for the cruelty in, and breakdown of, marriages. The truth lies somewhere in the middle.

In fact, the benefit of doubt should be given to the grooms because they are usually well-qualified, hard-working, respectable and responsible individuals who do not have the time or energy to carry out such acts which would only

be detrimental to their lives and career.

One glaring issue missing in the MOIA directive is that almost always such a breakdown of a marriage is followed by a 498a (dowry) case filed by the bride's family. I understand that there are genuine cases being investigated, but there are lot of other cases that are in fact fraudulent and are only meant to harass and extort the groom and his family. The MOIA/HLCID/NCW in their enthusiasm have gone overboard and in the process declared the NRI grooms and his family guilty and trampled on their basic rights.

The MOIA has some provision to help out affected people, but it is sounds very women-centric. The provisions should be amended by keeping the following things in mind:

1. Make the MOIA directive neutral and not implicitly assume that NRI grooms and their families are the ones responsible for all the fraud/disharmony.
2. Have clear information on what the groom/bride should do in case of fraudulent marriage, marital discord, i.e., provide another outlet (instead of

498(a)) for the grooms/brides to file a complaint in the nearest Indian mission so that the complaint can be handled in a swift manner with the help of local authorities given that domestic violence is a crime in most countries.

3. Provide help to individuals and families already affected by 498(a) in terms of quick resolution, investigation of facts in foreign land, and such measures as will alleviate endless trips to courts with no resolution in sight, harassment and loss of wages.

Kanishka Gupta
an NRI affected by misuse of 498(a)
Sunnyvale, CA.

II

I would like to share my experiences with respect to IPC-498a and NRIs.

My sister-in-law filed a false 498(a) against our family and consequently my brothers, parents and sister in India were jailed without any investigation. I was not arrested because I was in the US at that time.

This is a very evil and unfair law. My

▶ Page A3

▶ Page A2

brother is very well-educated and highly successful. He is against the dowry system and did not take even a single paisa as dowry, but still we all are victimized by a single-line false complaint, 'My husband and in-laws are asking and harassing for dowry' by my sister-in-law. We are from Andhra Pradesh and were respected in our community and town but after the case that has changed.

I believe it is partly because of our culture; people easily believe the woman's version, and the media simply publishes one-sided stories.

The 498(a) section is not doing any good to real victims, but is only misused by educated women to extract money. I used to believe women's NGOs are doing good for us; in fact, they are spoiling women and teaching them how to extort money rather than educating women.

I agree with the views of Mr. Vijay Sharma. I wish more media should come forward to get the real stories by investigating the truth rather than just publishing one side of the stories of the women. The MOIA has shown that they are very unfair and believe women's organizations without doing proper research.

The government must seek opinion from NRIs also, not just from women's groups. I still wonder how our lawmakers are making such gender-biased and daughter-in-law favoring laws which are used to harass the husband's family in India and abroad? No wonder there are millions of people who want to get out of India and to avoid problems with the corrupt legal system.

Kaipana Lanka
Los Angeles, CA

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Misuse of IPC Section 498 A

The "Misuse of IPC Section 498A"

In urban India, the majority of families have adequate knowledge regarding IPC Section 498A, more commonly known as the "dowry-law", which was introduced in an attempt to eliminate DOWRY that affects mostly the poverty stricken. As per this law, both giving and taking of dowry is illegal, but only the taker is to be punished. Most cases where Sec 498A is invoked turn out to be false as they are mere blackmail attempts by the wife (or her close relatives) when faced with a crumbling marriage.

Section 498 (A) of the Indian Penal Code makes it mandatory for the police to file charges against the husband, his parents and other relatives/friends (whoever being named on the complaint by the wife or her close relatives) and put them in jail. There is no penalty (not even a fine) for filing a false case. This section is non-bailable, non-compoundable (complaint can't be quashed) and cognizable (arrests without investigation or warrants). There have been many instances where, without any investigation, the police have arrested elderly parents and even grandparents, unmarried sisters, pregnant sister-in-laws and 3 year old children. Some accused parents, sisters and even husbands have committed suicide after time in jail.

Recent statistics reveal that there are almost 33 million widows in India. The suicide rate among married men in India is 3.2 times higher than in married women; whereas before marriage, the rate is almost equal (IndiaStat.com). Therefore, all mothers (and their husbands) contemplating an Indian marriage for their son should be careful as unholy matrimony could be injurious to the young man's health and this is even before the marriage starts crumbling and leads to the "divorce wars". Once the word "divorce" comes into the picture, the attempt is to grab what you can, and what better way to settle old scores and take over the husband's family's assets? Obviously, it has to be achieved with the "dowry" accusations, the sure shot way of making money as then the husband's entire family is under the gun to settle on the wife's terms.

Currently, there is no law/way for the husband and his relatives to escape harassment from the police, courts and the wife, if she loses tolerance and respect for other's emotions. Also, since in-laws are deeply resented, the wife's vengeful drive is molded by her parents and based on their knowledge of this section for their own mundane selfish reasons. It is estimated that about 25,000 dowry cases are filed in India every year, 65% are dismissed by the courts because they are blatantly false and the rest are settled out of court after the wife or her parent's monetary demands have been met.

There is strong affirmation from the judiciary and the Malimath committee that this section needs to be amended (made bailable/compoundable/applicable only to husband) before it inflicts irreparable damage to the institution of marriage. In the Karnataka High Court's judgment, CrI.A. 589 of 2003, made on 4-9-2003 (Saldhana vs. Rajendra Prasad), the Judge states that in about half the cases, prosecution is thoroughly unjustified. Various rulings from other parts of the country too have questioned the Law commission of India's decision to keep this Section in its present form (eg: MANU/AP/0979/2002, Saritha vs. Ramachandra).

Several Police Commissioners and members of the Judiciary have said that the laws are being used for ulterior motives. A women head of a Women Police Station in her interview to a leading daily newspaper of New Delhi gave a courageous statement that 99% complaints of dowry demands are false and baseless. An article published in a Times of India publication states that 90% women prisoners in Tihar Jail are locked up because of dowry related cases.

In most parts of the civilized world, domestic issues like divorce are resolved by civil laws. Even in criminal law, a person is considered innocent until proven guilty. As per the draconian dowry law (IPC Section 498A), the man, his family and his friends are considered guilty without any evidence are jailed and harassed until proven innocent and face life-long stigmatization. In any regular divorce, there is no way that a wife would acquire a part of her husband's property or a lump sum payment from him, when marriage is irretrievably broken within a couple of years. However, using 498A and complimentary laws, the wife can lay claims to all her husband's family assets. This is the main reason for the misuse of the dowry laws.

The US Department of State has already posted a warning for its citizens at <http://travel.state.gov/india.html> DOWRY/VISA DEMANDS: 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. 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. There are also cases of U.S. citizen women whose families force them against their will into marriages to Indian nationals.

You can read about the numerous cases of misuse of 498A on Google by searching for "India 498A"

The Hidden Side of the "Dowry Accusations"

In the most obvious case of false dowry accusations (where the philanthropic and wealthy Ambati family from New York were accused of demanding a dowry of \$1,200 by their daughter-in-law Archana and her father Mr. Nanda (a former honorary Home Guards Commandant) of Karnataka, India. Because of the Nanda's legal connections and political manipulations with the help of the women's support groups, there was a complete lack of public outrage over the leniency shown to the Nandas (who had filed the false dowry accusations in an attempt to extort US \$500,000 from the Ambatis). After being found guilty of such an outrageous deception, they were not even sanctioned.

Although, there had been no public outcry at the leniency shown to the Nandas, there however was an outcry in the last New Delhi High Court case in which a woman was charged with making malevolent and baseless dowry accusations to have even a child sent to jail. That was from the women's support groups, denouncing the fact that "This case will deter genuine dowry victims from reporting abuse." The illogic was breath-taking, for we rightly reserve particular opprobrium for dowry seekers. But by making light of the false dowry accusation, women's groups are trivializing dowry itself. You cannot debase a currency for some of the time; once debased, it stays debased.

False dowry allegations, however, are about power, for they mobilize the proper revulsion society feels about the crime against the unfortunate target. So we should protect the powerful societal taboo on dowry by treating those who falsely allege dowry abuse with the severity with which we treat dowry seekers. That is the least the true dowry victims deserve. Certainly people such as the Nandas who go to such extraordinary lengths to subvert legal and cultural taboos against dowry for their own purposes should be severely punished. Not even a day's sentence for such an elaborate ruse is a bad joke.

Madhu Kishwar, a women's rights activist says that even if there is some misuse of the dowry laws, she condones it (however, what if the law was misused against her own male relatives). Brinda Karat, the former General Secretary of the All India Democratic Women's Association (AIDWA) thinks that the misuse of 498A is of insignificant consequence as men need to pay for all the wrongs done over the centuries to women and if there is any attempt to dilute the dowry laws, her 50 lakh followers will take to the streets in India. Senior Advocate Indira Jaising who is very active on women's issues says that there is some misuse of 498A but that is irrelevant.

The NCW chairperson Poornima Advani admits that the dowry laws are being misused, but when the NCW chairperson was asked why no action has been taken against those giving dowry, she replied: "We must remember that it is the poverty stricken people who are the main victims". If that is really the case, Indian society needs to answer an important question: "Why are dowry accusations almost non-existent among these poverty stricken people, and the communities and professions where dowry is a traditional, and why is it that most such (obviously false) accusations come from educated, modern and liberated families with political and legal connections?"

In a recent interview with HindustanTimes.com, Shobhaa Dé said: "Marriage as an institution is under threat. People are questioning the rules of the game and asking themselves whether they need marriage at all. There is no 'perfect recipe' for marriage. Each couple has to arrive at their own formula - and that takes years. The single most important ingredient in this recipe is 'love'. Without that, there is nothing. Men and women, who cheat, will always cheat. There is no gender difference. Of course, women today have more opportunities to stray than ever before". Sexual encounters are mere handshakes and changing partners is as easy as changing a dress. Tolerance is virtually non-existent in the current generation, and this is resulting in the high divorce rate.

The Ambati case is a prime example of how the Dowry Laws can be abused by unscrupulous families to extort money from innocent families, especially NRIs and other well-to-do Indians. The institution of marriage is under threat along with the future of our families and children. All god-fearing people, NRI and the human rights organizations, the Indian government and the leaders of the civilized world should take notice of the growing epidemic of false dowry harassment cases filed against innocent Indian families/NRIs and take steps to curb the spiraling abuse of this law.

You can read about the numerous cases of misuse of the dowry laws at: <http://indiatogether.org/2004/mar/law-sect498a.htm>





<http://peopleinaction.info/board/2/703.html>

The India Monitor (Jan 9 - Jan 16, 2000 issue Vol.X, No.464, p.16)

The Ambati family, which was embroiled in a dowry-harassment case in India in November 1995, has now been acquitted of all the charges in the dowry harassment case. Kolar Gold Fields sessions judge K.S. Venkoba Rao pronounced the order of acquittal on April 28, 1999.

Dr. Jayakrishna Ambati and his family were accused by his former wife Archana of taking Rs. 50,000 (US \$1,200) in dowry and of mental & physical abuse. The couple was married in June 1995 in Bangarpet, Karnataka and came to the United States shortly thereafter, but Archana returned to India in July.

However, she did not file a police complaint until 4 months later, in November, coinciding with the well-publicized visit of the Ambati family to Visakhapatnam. There they were taken into custody by Sub-Inspector T. Konappa Reddy of the Bangarpet police.

During the course of the trial, which lasted over 3 years, Konappa Reddy, also the investigating officer, admitted that the police had not ascertained the veracity of the complaint, or investigated the reason for the 4 month delay in filing the case, or interviewed any of the witnesses prior to the arrest.

Under cross-examination he also acknowledged that no permission from superior authorities was obtained to cross state lines and arrest the accused. He also admitted that the U.S. Embassy was not informed of the arrest of the Ambati family, who are American Citizens, as per the 1963 Vienna Convention on Consular Relations.

Although the initial chargesheet listed over 20 witnesses, only 2 of the material prosecution witnesses appeared in court during the trial. Even Archana's mother and sister, who initially provided statements to the police did not testify.

At the trial these two witnesses, recanted their earlier statements and testified that they did not witness any demand of dowry by the Ambati family. Assistant-sub-inspector H. Munivenkataiah who initially took the statements of the witnesses, stated under cross-examination that none of the witnesses told him that dowry was demanded by the Ambatis.

In an unrelated twist, Konappa Reddy is himself now facing murder charges for the July 1997 custodial death of Mr. Gopalappa in the Bangarpet police station.

In October 1996, Kolar sessions judge K. Sathyamurthy Holla discharged Dr. Balamurali K. Ambati from the case and dismissed all charges against him for lack of prima facie evidence. Although the state of Karnataka appealed this decision, Justice L. Sreenivasa Reddy of the Karnataka High Court upheld the discharge in April 1998. This decision was appealed by Archana but the Supreme Court of India dismissed the appeal earlier this year.

During the course of the trial the Ambatis produced a tape in which Nanda, the father of Archana, demanded US \$500,000 to drop all the charges. Although the prosecution opposed the production of this audiocassette, Justice Narayan of the Karnataka High Court ruled that such evidence was admissible in February 1999.

The Ambati family feels that although the courts have vindicated them after almost 4 years, the victory is bittersweet. Although Drs. Jayakrishna and Balamurali Ambati and their father Dr. Muralimohan Rao were allowed to leave India and return to India in January 1996, their mother Mrs. Gomathi was not permitted to do so. Despite 3 separate Karnataka High Court rulings that the trial should be completed within 3 months, the case dragged on, and the family was separated for more than 3 ½ years. In addition, Dr. Balamurali Ambati lost 2 years of his professional career because he had to wait until 1998 to commence his ophthalmology residency at Harvard, which he was supposed to join in 1996.

The Ambati family is well known in the New York area for their social and community service. For the last 10 years, they have been conducting free weekly academic classes for hundreds of middle and high school students. Also, they have established a charitable educational foundation, the Ashtavadhani Vidwan Ambati Subbaraya Chetty Foundation, which recognizes and rewards talented students in India and the U.S.

They believe that the close police ties of Nanda, a former honorary Home Guards Commandant, were responsible for the brazen actions of the police. The case achieved tremendous sensationalism because of the celebrity status of Dr. Balamurali Ambati, who at 17 became the world's youngest graduate in 1995. However, little press coverage was given to his discharge or to his family's subsequent acquittal.

The Ambatis feel that this case is a prime example of how the Dowry Prohibition Act can be abused by unscrupulous families to extort innocent families, especially NRIs. They also believe that NRI organizations and the Indian government should take notice of the growing epidemic of false dowry harassment cases filed against NRIs and take steps to curb the spiraling abuse of this law.



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Chitraloka Scoop

PERFUME TO POLICE Give Pleasure Take Pain

Report by CNB

Photos - Given by Arjun

Date - 05th August 2004



The saga of gentleman Arjun runs from perfume to police station. Actress Swarnamalya (of TV serials in Tamil, 'Engal Anna' and Kannada film 'Geeya Geeya' heroine) sipped the innocence and luxury of Arjun and finally locked him in police station on a false dowry case. Thanks to Swarnamalya's parents – parents of this kind live on this earth there is no need of a hell.

"I had bought Swarnamalya the costliest perfumes on this earth" – took her to all the exotic places in America showed her London – what happened to my life after this is something tortuous and ugly part in my career. Thanks to parents Malini Ganesh and Ganesh Sarma.



After marriage on June 30 2002 everything was good for 13 months. The luxury and comfort I maintained in California – where I worked as Senior Financial Analyst on a monthly salary of \$9500 at Fresh Express Fresh Foods bit the lazybones – parents of Swarnamalya.

I got my wife Swarnamalya 'SKODA' car of Rs.12 lakhs she told me 'PODA' (go). Thanks to her parents. The quarrel of parents always used to bring an impact on our married life in America.

She turned hysteric. My life got ruined. They forced me to come to Chennai. In Chennai Swarnamalya evinced interest in acting. She got in to films demanded a car. The producers directly asking her to cooperate in the night times shocked me a lot and at this I thought it enough. Thanks to their parents – they are the ones who encouraged Swarnamalya.



Despite of objections somehow I joined in Birds Eye Foods Company in Rochester, New York but within a few months there was trouble again from Swarnamalya. The sabotage really brought me to Chennai. When I came to Chennai I was thrown out of my job in New York because I had applied leave. Once again thanks to their parents. They prepared a game plan this time.

I was charged of dowry harassment and two policemen took me to police station. They alleged that I demanded Rs.4 lakhs as dowry. The



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Last but not least

laptop I had got Swarnamalya mother in US by paying \$1600 dollars was returned to me by cheque in Indian currency of Rs.75000 and this cheque was shown as the first payment of dowry. Baap re what a cunning woman! says Arjun!

After tearing off my peace into pieces she has once again filed a police complaint on me for abusing her and my job at present in Chennai is also at stake.

This is not a film script what we have given above. What ever explained above is the version of Arjun. We have just condensed his six pages e-mail. Along with this he as sent the court notice copy.

You can't win, you can't break even, you can't even quit the game is the situation of Arjun.

Chitraloka tried to contact Swarnmalya. But she was in Chennai and her mobile switched off. What will her version be?

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Friday

May 19, 2006

More information:

What's next?

Jonaki Ray will be sentenced for voluntary manslaughter April 22 at the Clinton County Courthouse. The crime carries a maximum of 15 years in prison.

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Woman found guilty of voluntary manslaughter in death of professor

By [SHANNON MURPHY](#)

The State News

St. Johns - After more than three hours of deliberations Friday, jurors found a 28-year-old Dewitt Township woman guilty of voluntary manslaughter in the death of her husband, an MSU associate professor.

Jonaki Ray faces a 15-year maximum sentence for the slaying of Dinesh Balagangadhar, who taught mechanical engineering. Balagangadhar died July 1 from a stab wound that penetrated his heart and lungs.

Clinton County Circuit Court Judge Randy Tahvonen will sentence Ray at a April 22 hearing.

Ray told police after the incident three different stories of how she accidentally stabbed her husband while cutting vegetables at their DeWitt Township home.

At trial, she told the Clinton County Circuit Court that Balagangadhar was abusive and had slapped, pushed and pulled her hair many times. Ray said she and her husband had been in an argument the day of the stabbing and Balagangadhar dragged her by the hair around an island counter in their kitchen.

Ray said she was scared and in pain so she grabbed the first thing that she came across and swung it at her husband.

In closing arguments, Ray's attorney, Frank Reynolds, argued she had not committed any crime and stabbed her husband so he wouldn't hurt her.

Reynolds said the couple, who are natives of India, had married out of love, instead of the



[SHEILA KRISHNAN](#) • The State News

Dewitt Township resident Jonaki Ray, left, waits with her lawyer, Frank Reynolds, for a verdict from the jury in the slaying of her husband, MSU Associate Professor Dinesh Balagangadhar, Friday in Clinton County Circuit Court. Ray was found guilty of voluntary manslaughter, which holds a maximum sentence of 15 years.

arranged marriage their families had hoped for, causing Ray to be ashamed to talk of the abuse. She said she felt she needed to work harder to make their marriage work because of the frustrations they had put their families through.

Reynolds said he was disappointed with the verdict, but felt the jury took its time and looked at all the evidence. He said he will speak with Ray to decide if they will appeal.

"I was confident there would not be a murder charge," he said after the verdict was announced.

Clinton County Prosecutor Charles Sherman sought a second-degree murder verdict after the judge ruled Thursday there wasn't enough evidence to prove first-degree murder. First- and second-degree murder charges carry sentences of up to life in prison.

A first-degree verdict would require the jury to determine the crime had been previously thought out. Manslaughter only requires the jury decide if a killing was the result of a impulsive decision by a person in a reasonable mindset.

"This was a case where the jury heard difficult testimony and had to make a judgment call," he said.

Ray's family declined to comment.

Balagangadhar's brothers, Suresh and Mahesh Balagangadhar, said they felt Ray got a lesser sentence than she deserved.

"She was lying the whole time, the jury didn't get the whole picture," Suresh Balagangadhar said. "She's the only person speaking of what happened because Dinesh is not here."

Friend Subath Kamalasan said Dinesh Balagangadhar was a gentle person and a scholar.

"She took a life that was important to society," Kamalasan said. "It's sad that she was just given voluntary manslaughter."



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Will there be a law to protect innocent males?

Some clever girls and their parents are using this Law to their benefit

Dowry Law
Posted By: Sandy
State: Haryana District: Ambala City:

In today's Indian society is the 'Dowry Law' really helping people or is it being misused is indeed the moot point.

I have a question for the Law makers, when the 'Dowry Law' was enacted did anybody think of the other side of the coin also vis-à-vis, misuse of the Law. In fact, I write this after being witness to many incidents where clever people are misusing the Law.

Unfortunately, it is the educated masses of our society who always misuse certain Laws for their own benefit and the 'Dowry Law' is no exception.

Everybody knows that this is one of the strongest Laws and people booked under this Law have no choice other than to lead their lives in jails. Some clever girls and their parents are using this Law to their benefit, if they feel that things are not going the way they want to.

In fact there have been instances where the bride's family has threatened the groom's family if things haven't gone their way. This has resulted in a number of innocent people suffering.

To quote an instance, an MTech from IIT (Indian Institute of Technology) and his family had to suffer the ignominy of jail under the current 'Dowry Law' for no fault of theirs.

The girl in question invoked the Law just because she couldn't get adjusted to the family of the engineer. It took the aggrieved family almost seven years to prove their innocence. The victim, who used to be a very intelligent person, has now become a nervous wreck and drug addict.

Just last year I came across another such incident. A friend of mine got married to a girl arranged by the respective parents. After the first day of marriage the girl told him that she was not interested in this marriage, but she had to put up with it as her parents did not want to lose such a good income earning NRI guy.

She also told him that she was in love with someone else and will keep meeting her lover. When my friend objected, the girl's parents booked him under the Law.

One more instance is of a girl and her parents who harassed a guy just because he refused to go back to the US post 9/11. In fact, the girl creates such a ruckus that the neighbors always tend to believe her rather than view the issue in its right perspective.

He has written to a number of people including top police officers to conduct a just enquiry and sort the matter out. But, all his pleas have fallen on deaf ears. Will our judicial system mete out justice to such aggrieved males?

A number of such cases abound in cities like Delhi, but nobody seems to be bothered.

Why I am writing this, because I am suffering the same since 2 years, I am USA and my wife even tried to kill me, Though I initially informed police here but later my culture and Indian heart stopped me and I got the case cancelled, more over In USA this is very common she just had to attend a domestic violence class and that's it, I know if it was me and I would have done the same in India, I and my family would have been behind the bars. After that also she did not change rather she has become more aggressive as she knows that In USA nothing will happen to her being a female she has been able to get advantage of Women organization etc.

I am not sure whether the time will come or not when I will get the justice or I will have to live and die like this only.

Will there be a law to protect innocent males?