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Ambassador Ronen Sen

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

Date: April 18th, 2006

Sub: Memorandum to Indian Government officials about large scale misuse of dowry law against NRIs (Overseas Indians) and gender biased view of MOIA (in the marriage booklet published recently) against overseas Indian husbands and their families.

Dear Sir,

The large-scale abuse of the Indian dowry laws (predominantly section 498a of the Indian Penal Code), by some unscrupulous women and their families, has been taking a huge toll on the personal and professional lives of Overseas Indians. Since the Indian legal system considers all complaints filed by women to be genuine by default, laws that have been made to protect women from dowry harassment are now being increasingly used as a weapon to blackmail, extort money from or seek revenge on Overseas Indians and their families in India. Overseas Indians who unwittingly land in India for various reasons have been arrested, ill-treated and exploited in the name of dowry laws. This kind of "legal terrorism" has caused so much economic and emotional damage that marrying a woman of Indian origin has become a source of intense fear among Overseas Indian men.

As if the trauma of being implicated in false dowry cases is not enough, the Ministry of Overseas Indian Affairs (MOIA) has recently released their booklet on marriages with Overseas Indians, which presents an extremely biased picture projecting all Overseas Indians as fraudulent, violent and abusive towards women, with no reliable statistics to support their claims. While there are instances of abuse and violence in marriages with Overseas Indians (just like those in marriages with Resident Indians), the booklet exaggerated a one-sided story and has caused deep disappointment among Overseas Indians.

The abuse of Indian dowry laws has hampered the progress of hundreds of Overseas Indians whose intellectual abilities and professional skills are highly valued all over the world. Many Overseas Indians trapped in false criminal cases are expending their valuable time, effort and money to fight their cases which drag on for several years due to the inefficient Indian police and judicial systems. If this trend continues it will not only impede the progress of extremely talented, intelligent and resourceful Indians in India and abroad but will also hinder the progress of the countries that depend on their valuable services.

Several unsuccessful attempts have been made by Overseas Indians to approach the Ministry of Overseas Indian Affairs and the offices of the Consulate General of India to draw their attention to the blatant exploitation of Overseas Indians through misuse of Indian dowry laws. The attached information booklets have been prepared by a team of concerned Overseas Indians to spread awareness among fellow citizens and the government authorities of various countries regarding the widespread injustice done in the name of Indian dowry laws. These booklets are intended to highlight the urgent need to address this issue and to safeguard the rights of Overseas Indians.

Thanking you and with regards,

Satya (for) **Bhavani Mahadevan (Co-ordinator, Rakshak)**

CC:

Dr. A.P.J. Abdul Kalam, President of India

B.S. Prakash, Consulate General of India in San Francisco, 540 Arguello Boulevard San Francisco, CA 94118

Neelam Deo, Consulate General of India in New York, 3 East, 64th Street, New York, NY 10021

Arun Kumar, Consulate General of India in Chicago, 455, North City Front Plaza Drive, Suite 850, Chicago, IL 60611

Consulate General of India in Houston, 1990 Post Oak Blvd. # 600 3 Post Oak Central Houston, TX 77056

Shri Vayalar Ravi, Minister, MOIA, 9th Floor, Akbar Bhawan, Chanakya Puri, New Delhi - 110021

Shri R. Narayanaswami, Secretary, MOIA

Shri Malay Mishra [Diaspora Services Division], MOIA

Dr. R.K.Verma [National Informatics Center], MOIA

Ms. Sandhya Shukla [Social Services Unit], MOIA

Encl: MOIAbooklet.pdf, 498abooklet.pdf

Dear Shri Kumar,

I am attaching the letter I had sent to you and other officials of MOIA on 12th November'2005. I have not received any response from the ministry on this regard.

As a person of Indian origin, working in the US, I am very much concerned about the approach Ministry is taking in creating the awareness about the "Failed and Fraudulent Marriages" among prospective brides in India. The booklet prepared by the joint effort of ministry, NCW and NHRC (<http://moia.gov.in/shared/linkimages/46.%2003-251005>) suggests that the NRI men are responsible for the breakdown of marriages. The booklet fails to mention anything about how many thousands of innocent men and their families are duped by greedy and motivated women and their families. There have been a lot of incidents in the recent times where NRI husbands and their families were harassed by the wife and her family. Media everywhere (India and around the world) has highlighted the issues in various forms (articles, documentary and letters, internet) but Ministry has not taken the cognizance of any of that.

If you do not have data about problems faced by NRI men and their families, I can provide you with the same (the data is readily available on the internet).

Following are few of the links which may be eye opener for you.

- **India West Article (Leading Newspaper in USA)**
http://www.498a.org/contents/Publicity/IndiaWestArticle_498aMisuse.pdf
http://news.ncmonline.com/news/view_article.html?article_id=768649893bc5975ce97b6bff5354c210
http://expo.ncmonline.com/news/view_article.html?article_id=4341a52dbd42b1562e77d1b7f499890f (Lisa Tsering got the Best in-depth Investigative Journalist award for exposing this widespread problem):
- **India Abroad (Leading Newspaper in USA)**
http://www.498a.org/contents/Publicity/IndiaAbroad_MinistryBiasedAgainstNRIHusbands.pdf
http://www.498a.org/contents/Publicity/IndiaAbroad_NotAllHusbandsAreGuilty.pdf
- **Channel 7: Documentary about gross misuse of Dowry laws and NRIs**(aired in Feb'2006)
- **Governments in USA and Canada have issued travel warning** (against the misuse of dowry laws) for the people traveling to India. Please see the contents at:
http://communitydispatch.com/artman/publish/article_1754.shtm

Men also suffer a lot in any broken relationship and it is not easy for men to find sympathetic shoulder. I am not saying that the kind of issues ministry is trying to highlight and warn the people against do not happen. Following are few of my questions to the ministry:

- Can ministry provide the data for each of the atrocities (booklet lists 10 of those) that is included in the list?
- Has the ministry done some statistical analysis about what is the kind/class of people responsible for the atrocities on women (like taxi driver, janitors, daily wages people, gas station workers, low income group people)?
- In how many cases the husband and/or his family were doctors, engineers, researchers, diplomats, businessman and highly educated person?

- Does the ministry find the fraudulent cases much more in PIO/Overseas India marriages (in percentage) than what is prevalent in rest of the Indian marriages?
- Has ministry tried to find the other face of the coin? How many husband and their family members suffering?
- Has the ministry invited any organization like {Asha Kiran (Bangalore), SangaBalya (Bangalore), PSS (Delhi), Pirito Purush Pati Parishad (Kolkata)} to present the other side of the picture?
- Everywhere in Media and Pravasi Bhartiya Divas'2006 MOIA has talked about the complaints it received from women PIO (Person of Indian Origin), but MOIA conveniently failed to mention the problems reported by PIO male members.

I wrote comments to your website, but nothing happened. I suggest you at least look at the various comments listed on your website and consider acting on them before finalizing the contents of the booklet on 18th Feb.

A half baked solution is worse than a no solution at all. I would urge you to look into all aspects of failed and fraudulent marriages and then suggest a solution or warning.

I am copying Ambassador of India to the US, Counselor General of India at Chicago/Houston/San Francisco/New York on this mail. They may have something to add to the "Immigration fraud" by the wife and her family?

I hope you are able to take a balanced and "gender-neutral" approach while discussing not only the contents of the booklet but while approaching this complex issue.

Thanking you and with regards,

- Satya
(San Jose, California, USA)

Cc: Indian Ambassador to USA
Minister, MOIA
Secretary, MOIA
Officials at MOIA
Consul General of India, San Francisco
Consul General of India, Houston
Consul General of India, Chicago
Consul General of India, New York
President of India

Shri S. Krishna Kumar

Nov 12th, 2005

Secretary, Ministry of Overseas Indian Affairs

Subject: Contents of Information Booklet on Marriages to Overseas Indians (OI)

Ref : Letter to Chief Secretaries from Secretary MOIA (25/10/2005) No. OI-18013/02/2005-MS.I

Dear Sir,

I am writing to you to express my deep concern over the contents of the '**Information Booklet on Marriages to Overseas Indians**' which you have sent to the chief secretaries of different states. While I appreciate your initiative to help the citizens understand the various problems that may happen in 'overseas marriage', I must say that the issues raised in the booklet are totally one sided views (wife's side views). All the 10 examples of 'typical incidents' the booklet cites suggests that the overseas Indian groom and his family members are cruel, arrogant and fraud. Further, it suggests that the OI husband's family is solely responsible for failed/failing overseas marriages.

Every 'overseas marriage' has similar problems as in an Indian marriage (Indian marriage here refers to couples married and living in India). 'Overseas Marriage' has additional caveats due to immigration/visa issues. Indian government, NCW and other women organizations cannot say that mostly 'husband's family' 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 (with it's source) for people to download and comment. Is Indian government trying to suggest that OI's are female beaters, female abusers and do not have respect for their marriage and their wife?

I have seen umpteen cases here in the United States where in a tensed relationship wife goes back to India and files a '**false dowry harassment charges**' and '**misuses IPC 498a**' on 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 list of marital problems is endless and it is common in 'overseas marriage' and 'regular Indian marriage'.

Media both in the US and India has reported numerous cases in past few years where wife who married to OI male falsely accused her husband and his family of various crimes (including domestic violence). After long litigations, which drain time, money and energy, husband's family was proved innocent .

The booklet must provide details and directions for both men (including OI's) and women about how they can protect their own rights before, during and after marriage both in India as well as overseas. I would also like to know the names of the NGOs, law agencies and addresses of the people who helped MOIA prepare this draft, so I can contact them and discuss the details of their and my findings.

I would like the **booklet to help all the Indian citizens irrespective of their gender and location.** If I could be of more help you in drafting a more balanced and informative booklet, please let me know, I would be more than happy in assisting you in this worthy cause.

I believe you will consider these views and facts before finalizing the contents.

With best Regards,

Satya Kumar (San Jose, CA, United States)

Cc: Indian Ambassador to USA, Consul General of India, San Francisco, President of India, Prime Minister's office