

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.

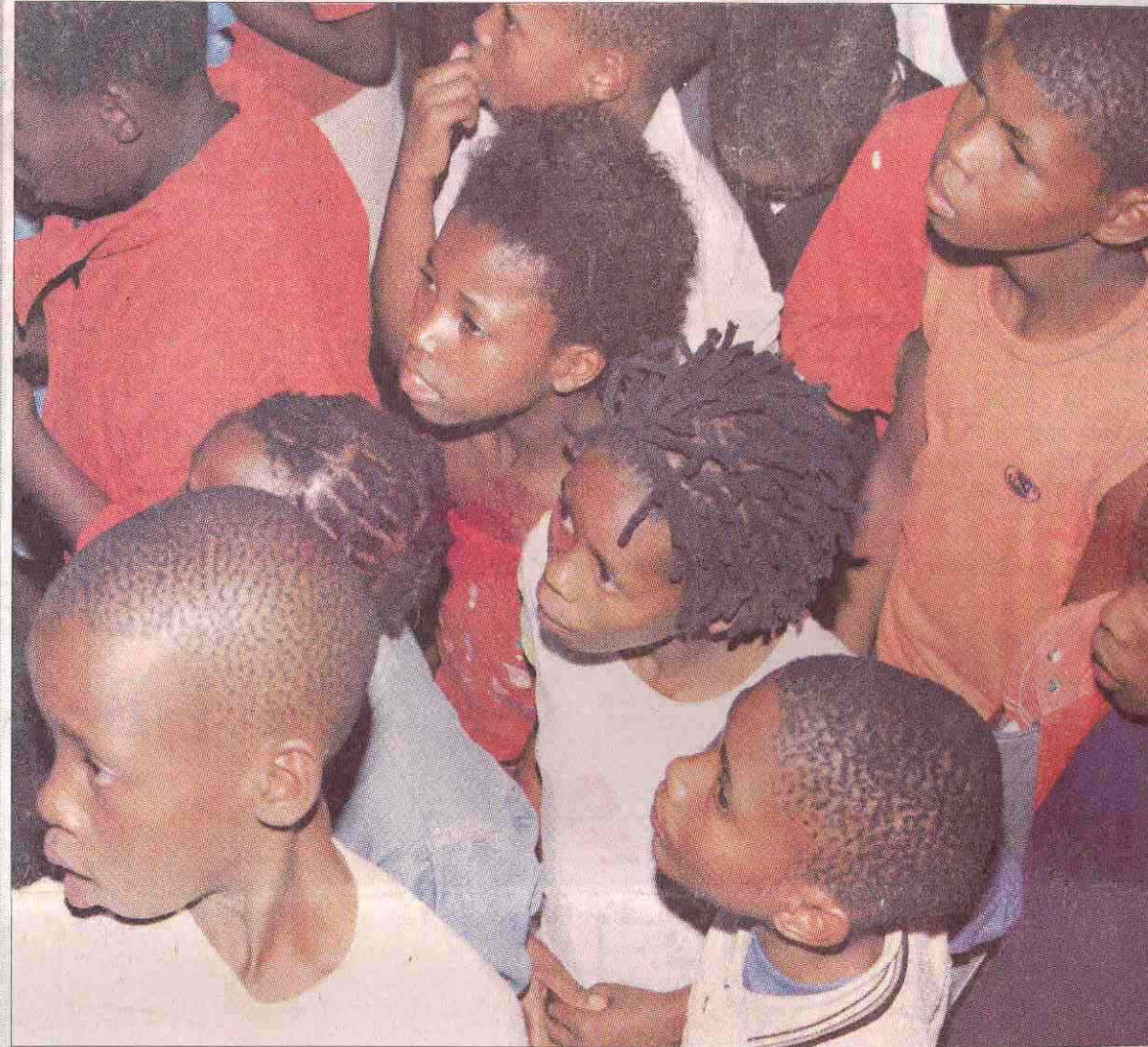
A report by India's Ministry of Home Affairs arising from an investigation chaired by Malimath has unearthed information that Section 498a has created an anti-dowry fraud racket in which, Indian women mostly married to husbands working or doing business outside India, use the anti-dowry law to blackmail 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.

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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 ^{2 of 3} 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."

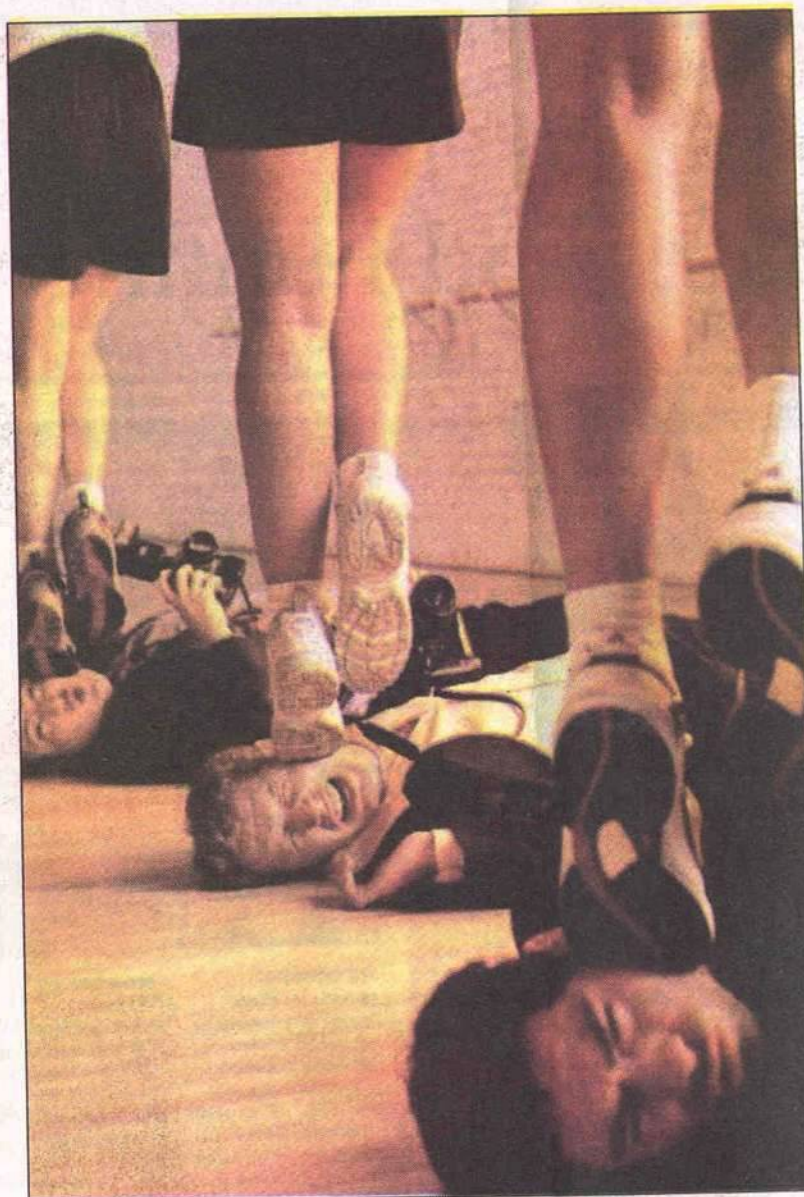
The State Department cannot say how many false complaints are filed each year. However, "the fact that we issued a warning should be an indication of how widespread the problem is," said John Peters, the department's Citizen Services Specialist for India.

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.

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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).

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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.