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Activists frown on Indian domestic violence law

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Many Indian American activists have opposed India's newly enacted law against domestic violence, saying its several provisions lend themselves to misuse and could lead to more broken homes.

Activists who spoke said they feared the law would be misused like the earlier anti-dowry law (Sec 498a of Indian Penal Code). A large number of Indian Americans have complained that section 498a was used against them to extort money.

The activists urged that the new law be made "gender neutral", with a greater emphasis on counselling as in the West. They said misuse of the new law would affect women too and would bring minor differences in a marriage to a point of no return.

"It is a great law to get even with in-laws," said one woman who spoke on condition of anonymity. "Or if you want to marry some rich guy and then get rid of him."

Others said the provisions of the domestic violence law were too expansive.

"A significant flaw in this law is that it lends itself to such easy misuse that women will find it hard to resist the temptation to 'teach a lesson' to their male relatives and will file frivolous cases," said Avinash Gupta, an India American.

"A similar trend has been shown in the anti-dowry law, which is being misused to such an extent that the Supreme Court (in India) has termed it 'legal terrorism'."

"There are three fundamental problems with this new law," said Gupta. "It is overwhelmingly gender biased in favour of women, the potential for misuse is astounding, and the definition of domestic violence is too expansive."

Gupta advocated the enactment of a 'domestic harmony' law instead.

"It (the new law) makes it very easy to escalate domestic problems to such a level that it eventually leads to a breakdown in marriage. Once a man is arrested for a relatively minor offence—like perceived insult—he will perpetually feel threatened by his partner, and that is the beginning of the end. This law will lead to more broken homes and children will ultimately pay the price.

"Going by the domestic violence law's definition of abuse, how many men are victims? After all, nagging wives are common enough," said Gupta.

Some of the most vociferous opposition to the new law is from women, some of whom have been victims of cases filed under 498a.

"If a man cannot put up with a woman, he cannot throw a fit, that would be abuse. Under the new law, a woman can have it both ways. A woman who wants to stay in the marriage or opt out of it—irrespective of the husband's wishes—can leverage the law," said Uma Challa, a doctoral student.

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"Given the corruption in the Indian legal system, especially among police personnel, the outcome will not be what the lawmakers desired," said Dipak, another Indian American.

"The police will use the law to harass or enter into money making deals with either party," he said.

"The law imposes a responsibility on men, without giving them rights. On the other hand, it gives rights to women without requiring them to be responsible. It should be made gender neutral, offering protection to both men and women. Doing so will not take away anything from women victims," said Gupta.

Satya, a California-based volunteer who runs www.498a.org website, sees a number of victims seeking help from non-resident Indians around the world.

He said: "The law would create the same set of innocent victims that the anti-dowry law had. Every year, about 200,000 families go through hell because some women misuse this (498a) law."

Dipak referred to a statement by Renuka Chowdhury, the Indian minister of state for women and child development, that men who were harassed under these laws, were in a 'microscopic minority'. "Even accepting her statement, should we, in the minority, not be entitled to some protection?" he asked.

Activists said the law could often go to ludicrous lengths. "Under the law, if a wife decides not to cook and wishes to eat out in a restaurant every day, the husband can't afford not to oblige her lest he invite the provision for 'not providing food', for which he could be jailed," Satya said.

Although the law cannot be enforced in the US, many Indian Americans have been victims of the anti-dowry law, by vindictive ex-wives and their parents.

"For them, it is a good source of earning hundreds of thousands of dollars in return for withdrawing the case. Indian American men and women have been arrested, sometimes at the airport itself, when they have gone to India to visit relatives," added Satya.

Being a politically sensitive issue, activists said they see no hope of a more equitable version of the law in the near future.

"The domestic violence law protects you only if you are a daughter-in-law. For catering to their vote banks, politicians are dividing Indian society on the basis of gender," said Challa.

Meanwhile, hapless Indian American men turn to blogs like 'savemarriages' for advice, even debating whether marrying a woman from India is a risky proposition.

One advisory, apparently from an experienced practitioner, examines other options and offers this advice: "Don't get involved with Indian women. Russian women are better looking, homely, nice and much more reasonable and logical."