

I-VAWA: A Failed Experiment

\$1 Billion to Imprison the Innocent

The International Violence against Women Act (I-VAWA) was recently introduced in the Senate (S.2982) and House (H.R.4594) with the purported goal of stopping domestic violence around the world. India and other countries have had extensive experience with such abuse-reduction laws, which have had a disastrous impact on our society.

India enacted its first domestic violence laws in 1983, over a decade before the United States passed the Violence against Women Act in 1994. Section 498A of the Indian Penal Code mandates the arrest and jailing of the husband accused of domestic violence, along with his male/female relatives. Under Indian law, such persons are presumed guilty until proven innocent.

According to a survey by Professor Murray Straus of the United States, females in India are more likely to engage in severe domestic violence (punch, hit, kick, or choke) than males.¹ Despite that fact, Indian domestic violence laws consider only women as victims and does not take account the male victims. *This method of prevention of domestic violence has failed in India.*

In four years from 2004-2007, more than 1,23,000 women and 4,23,000 men were arrested and jailed without investigation or trial under the domestic violence legislation Section 498A. This is one of the worst violations of civil rights ever reported in India. Therefore, the Indian Home Ministry has directed all the States to stop misuse of this law and put an end to jailing of innocent people.

Therefore, we oppose the enactment of I-VAWA. And if the law is passed, we strongly urge the United States Congress include statutory language to specifically exclude India from the scope of this program.

See statements on back of this page by:

1. Mrs. Pratibha Patil, President of India
2. Indian Supreme Court
3. U.S. State Department

-Save Indian Family Foundation

Website: www.saveindianfamily.org

¹ Dominance and symmetry in partner violence by male and female university students in 32 nations. *Children and Youth Services Review*. Volume 30. 2008, Pages 252-275.

President of India, Mrs. Pratibha Patil on 26th Dec 2007, warns against the misuse of domestic violence legislation in India:

“Let me put in a word of caution and sage counsel. Empowerment does not mean setting women against men. Gender injustice cannot and should not be perceived as war or rivalry between the two sexes.”

“Instances exist whereby protective legal provisions for the benefit of women have been subjected to distortion and misuse to wreak petty vengeance and to settle scores. It is unfortunate if laws meant to protect women get abused as instruments of oppression.”

Indian Supreme Court, referring to domestic violence legislation Section 498A, on 29th July, 2005 said:

“By misuse of the provision (Section 498A) a new legal terrorism can be unleashed. Merely because the provision is declared constitutional, it does not give licence to

U.S. State Department:

The U.S. State Department carried a Travel warning for many years on Indian domestic violence and anti-dowry laws in India. The warning said:

“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.

unscrupulous persons to wreak personal vendetta.”

“The provision is intended to be used as a shield and not an assassin's weapon.”

“In such cases acquittal of the accused does not wipe out the ignominy suffered during and prior to trial. Sometimes adverse media coverage adds to the misery”.

In addition, the Chief Justice of Indian Supreme Court and many High Courts in different States have repeatedly shown concern on harassment of innocent men and families by women misusing the anti-dowry and domestic violence laws.

<http://presidentofindia.nic.in/sp261208.html>

<http://ncrb.nic.in> (National Crime Records Bureau of India)

<http://www.hindu.com/2005/07/22/stories/2005072202631500.htm>

“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.”

http://travel.state.gov/travel/cis_pa_tw/cis/cis_1139.html (now the warning is removed)