

Reformative Modern equality

(Amendment to constitution) Act 20xx

This is a suggested draft of the bill for more equitable society in India at all social strata.

Statement of objects and reasons

1. Several draconian laws in favor of women are passed by parliament against the common jurisprudence. The laws such drafted are influenced by women's group to make the process of litigation as punishment, which is terrorizing the otherwise sacrosanct relationship of matrimony and consanguinity.
2. The fear of punishment and misuse of such laws is creating environment of suspicion, inside family sphere.
3. The laws assume a woman weaker in earning capacity than man, while the fact is that circumstances such as lack of opportunity to employment and education makes a particular section weaker which is equally true for persons of gender other than man or woman and persons below poverty line and scheduled caste and scheduled tribes and other socially backward classes.
4. The laws in its current form encourage women to live life on the earnings of man.
5. The laws enacted in favor of women do not recognize capability of women to do equal harm in domestic sphere and society in large.
6. The laws enacted to protect the weaker sections of society are used as weapons due to the harsh remedies provided in it.
7. The weaker sections are attributed to qualifications not circumstances.
8. The laws favoring weaker sections are becoming rights not privileges.
9. The existing laws do not cover several weaker sections.
10. The economic punishment in its current form is injustice to the poor.
11. The privileges and advantages are free at the expense of tax-payers money. The free privileges and advantages degrade the performance of nation and encourage lethargy and degrade the sense of national obligation among citizens.
12. Article 15 does not currently define the manner in which the compassion of people of India is to be extended through laws towards weaker sections of society
13. The populist political motives are affecting the true spirit of Indian constitution to provide equality of status and opportunity "to all", justice economical, social, political "to all" and to promote fraternity among "all".
14. The bill seeks to prevent the trend among wives to divorce men at the slightest dissatisfaction with marriage and harass husband's family with legal abuse causing gross social, economical injustice.
15. The bill seeks to amend article 15 in view of securing justice social, economical, political to all citizens, including stronger and weaker sections of society.
16. That, the social conditions and attitudes of spouses and parents of husband and wife vary from one social strata to another, such as in many households urban men and women enjoy equal educational opportunity and economical strength and parents of both spouses expect and enjoy equal rights. In such cases both parties are in equal capacity to cause harm to each other. Lack of presence of laws or inadequate definition of Laws causes gross injustice to one party.

17. That, unnecessary imprisonments of parents are causing incalculable damage to the emotional health of children and otherwise innocent families, implicated by cruel wives and her relatives.
18. That, other nations are issuing warnings against such legislations in India, which is harming the political image of Indian Constitution in the world.
19. That even today the number of peaceful families with caring and protective fathers and loving and caring mothers and no. of committed spouses is much more than the offending spouses. The laws enacted by the Union are spoiling happy homes and are bringing innocents under legal scanner through presumptions causing harassment to innocent citizens.
20. That, laws such enacted are contrary in the common principle of justice that "Hundred criminals may be set free, but one innocent shall not be implicated."
21. India is a socialist country and family is a basic social unit. That the Hindu Law recognizes patriarchal society.
22. That, women politicians are not making socially responsible statements in the parliament.
23. That, making trivial offences non-bail able, cognizable and non-compoundable is infringement of right of freedom and right to life with dignity.
24. That making somebody responsible for an adult capable person's for life-time without any offence is infringement of right to property.
25. That the word maintenance is insulting to the dignity of woman as capable member of active work-force of the nation. Only proportionate damages are justified in the event of unfortunate divorce to both parties.
26. That men undergo equal psychological trauma in the unfortunate event of divorce on any fault / incompatibility between the spouses.
27. That the women's organizations are reporting only no. of registered cases against women. The correct statistics of crime are that of convicted cases, not the registered cases. Such registered cases include mostly misuse of law, legal abuse and harassment of unfortunate victims of cruel wives' revengeful laws and persons implicated due to presumptive circumstantial accusations laid down in women's laws. That the conviction rates of offences against women are very less.
28. That, the dead are revered in all humane religions.
29. That the Judicial opinion is against such laws.
30. That there is no need to punish the present generation for sins committed in past.
31. That families include persons of all weaker sections.
32. That undergoing trials is very costly and emotionally stressful. Laws should not be designed for easy implication and prosecution as punishment.
33. That there is growing tendency among women to rope in each and every relative of husband with baseless allegations.
34. That, children and pregnant women are imprisoned.
35. That "cognizability" and "the burden of proof on accused" does not make investigation mandatory on the part of police officers.
36. That, police officers are afraid of coming under the scanner of NCW for not registering FIR even in false cases and thus results in biased investigation.
37. That such a misuse is on large scale.

38. That, women's relatives are assaulting men and his relatives by taking law in their hands.
39. That because of the draconian provisions in favor of women in the matters of divorce, men are extremely reluctant to get out of the "abusive relationship".
40. That many women give higher priority to independence and career and are ready to leave the matrimonial house. The divorce affairs with such women are nightmares of harassment for husband and his family.
41. That the fact that original constitutional engineers suggested uniform civil law for all in due course and omitted criminal law, clarifies the intention of constitution that criminal law was supposed to be uniform, which was negligently misinterpreted by all constitutional agencies.
42. Mental cruelty by women are primary cause for physical violence by men having no legal recourse but divorce, where he is loser on all fronts social, emotional, financial, personal liberty.
43. That the religious influence contravenes natural principles of justice.
44. That the social conditions of the third gender "kinnar" in India are miserable
45. That the kinnars are recognized as socially respectable group in Hindu Dharma.
46. The laws against cruelty in India are not comprehensive enough and are not in conformance with UN conventions. www.appt.ch Click here to see the model law
47. There is a growing trend of decriminalization of homosexual in world, recognized as third gender in India.
48. The criminalization of homosexuals have created apprehensions in the minds of homosexuals for coming out in open, which is helping continuation of their pathetic social conditions and spreading diseases like AIDS.

Check Annexure I for evidence in support of above reasons.

Article 15(1) reads as

The state shall not discriminate on the grounds of religion, race, caste, sex, place of birth or any of them.

Article 15 (3) reads as

Nothing in this article shall prevent the state from making any special provision for women and children.

The bill seeks to amend article 15(1) as

15 (1) The state shall not act, omit or enact for or against any citizen on grounds only of religion, race, caste, sex, place of birth, age or any of them.

Article 15(3) Nothing in this article shall prevent the state from making any special provision giving privilege, advantage or remedy (economical, social, political) for

1. women
2. children (below 18 years)
3. aged (above 60 years)
4. crippled
5. diseased
6. dead
7. persons below poverty line
8. persons of sexual minority class.
9. dependents of the imprisoned

so long as such provisions are not detrimental to the health of family or any other sacred institution or society in large or result in jeopardy of any other fundamental right and will not jeopardize national security or economic stability or competence of nation on gross scale

Explanation:

- (a) Article 15(3) specifically prevents prescription of criminal punishment or perpetual tortial (economical, political, social) remedy in any law such enacted under article 15(3).
- (b) Criminal offences may be drafted in favour of Children, Aged and Dead and Crippled, Diseased. The criminal law shall be uniform for all other privileged classes. Civil laws may be drafted in favor of women, aged, persons below poverty line, persons of sexual minority class, dependents of the imprisoned.
- (c) Family welfare shall be above the interest of any weaker section of society. There shall not be any criminal law only specifically for persons related by blood or matrimonial relationship. All the criminal offences within domestic sphere shall be tried under criminal laws designed for general public. Article 15(3)(c) does not prevent special procedures for offences committed in domestic sphere, to handle delicate family matters, so as to cause minimal damage to the family integrity. Law shall not be a family breaker unless absolutely necessary.

(d) Opportunity of employment and education: - The work-force will be divided as

Class A workforce	Class B workforce	Class C workforce	Class D workforce
Man	Woman, Persons of sexual minority class., Scheduled caste, scheduled tribe and socially and educationally backward classes, Persons below poverty line	Crippled, Diseased	Children, Aged

- i. The state shall not make any law in favor of class A workforce to infringe equality of opportunities of employment and education.
 - ii. The state may make laws in favor of class B work force, to provide opportunities of education and employment against class A workforce. The state shall not allow class B work force to live perpetually on the maintenance provided by class A or class B work-force.
 - iii. The state may make laws in favor of class C against class A or class B workforce, to provide opportunity of education and employment to class C work-force. State may make laws providing for living of class C work force at the expense of class A or class B workforce.
 - iv. The state may make laws to compulsorily provide for the means and needs of class D work force by class A, class B, class C work-force.
- (e) The person shall not be a member of privileged class for the rest of his/her life, if he/she commits any wrong prescribed by law, except aged and children. The person shall not be eligible for any privilege or remedy (criminal or tortial) using laws enacted under article 15, if the person commits moral wrong towards the person from whom he/she expects such remedy, except children, aged, diseased and crippled.
- (f) The fine imposed by any state as punishment for any law shall be prescribed as such an amount in Indian currency, which will not exceed 50% of the national income per capita per month.
- (g) There will not be any monetary fine for persons below poverty line.
- (h) The fine imposed by any court will be such percentage of the citizen's annual income equal to the percentage of fine with respect to national income per capita per month of the year of enactment of law.
- (i) The children, aged, crippled and diseased dependents of the imprisoned shall be responsibility of the Union.
- (j) For every such privilege or advantage extended by state as compassion of public of India to all weaker sections of society, the state shall define the returns which

the weaker section will return to the public of India, in the manner within capacity of the weak person.

The bill seeks to introduce

Article 15(5) Any such person who is not weaker by his/her circumstances and context but falls in such privileged social category as mentioned in article 15(3) or 15(4) will not be considered member of privileged class, only by virtue of attributes of the weaker section.

Article 15(6)

The interests of aged, children and crippled and diseased will take higher priority than the interests of women, persons of gender not classified as man or woman, and persons below poverty line and socially or educationally backward classes and scheduled casts and scheduled tribes. The interests of persons of gender other than man or woman and persons below poverty line shall take higher priority than the interests of women and socially or educationally backward classes and scheduled casts and scheduled tribes. The interests of women shall take higher priority than interests of socially or educationally backward classes and scheduled casts and scheduled tribes.

Article 15(7)

The union of India shall constitute the ministry of privileged classes, which shall work in pursuit of the goals prescribed under article 15.

Article 15(8) All the acts, omissions and enactments of the State for the privileged classes under articles 15(1) to 15(8), shall be privileges and not rights awarded to the privileged classes under article 15(3) and 15(4). Such privileges may be withdrawn at the discretion of the State or discretionary judicial prerogatives authorized to any court by High Court or Supreme Court, in the interest of justice.

Article 15(9) All such acts, enacted before the enactment of Modern Equality Act under Article 15 shall not be deemed to be in contravention of amended Article 15 for 3 years. The state shall amend/rescind all laws in contravention of the amended article 15 within 3 years from the Enactment of Modern Equality Act.

Article 15(10) Article 15(9) and Article 15(10) shall automatically stand deleted from constitution after 3 years from the Enactment of Modern Equality Act.

Article 15(11) The pre-amble of every law enacted under article 15, shall mention article 15 of constitution and shall maintain a schedule of privileges, advantages, remedies. Every such privilege, advantage, remedies shall cease to take effect after 8 years of its enactment (not amendment), unless the parliament restores such law by re-enactment after careful review of the situation.

Article 15(12) The dead shall have the right to be treated with honor and the soulless body be treated according to religious order.

Article 15(13) Article 15 will cease to take effect after 80 years.

Article 15(14) Women and persons of gender other than man and woman, and scheduled caste and scheduled tribes and socially and economically backward classes shall be removed from the privileged classes when the national income per capita of such privileged persons will exceed by 100 Rs over national income per capita of men and the no. of such privileged persons educated at primary secondary and graduate levels will be same or more than men by ratio of population.

Article 15(15) That every such law shall allow a committee of theologians, sociologists and legal experts belonging to a religion to prepare a schedule of duties of each privileged class and opine over the proceedings for the personal laws and privileged classes belonging to the religion. The committee shall include one member of each privileged class and non-privileged class belonging to that religion for which the committee will be formed. The committee shall have one retd. High court judges belonging to that religion and one retd. High-court judge not belonging to that religion, having veto powers over the affairs of such committee. The members of such committee shall preferably have qualifications to justify their ability to take decisions. All other religious boards are dissolved by this enactment.

The bill seeks to amend Article (44) which reads as

The State shall endeavour to secure for the citizens a uniform civil code throughout the territory of India

to

The State shall endeavour to secure for the citizens a uniform civil **and criminal** code throughout the territory of India.

Annexure I

Evidence of objects and reasons

Object and Reason no.	Evidence No.	Evidence
1		THEHINDU: Parents Commit Suicide due to torture after Daughter-in-law files False Case.
2		THREE-year-old GIRL ended up in jail because of False Dowry Case !!
3		TIMES OF INDIA: In Bangalore Techies are at Receiving end of Harassment by Wives and in-laws
4		TIMES OF INDIA: Domestic abuse Bill: Men deserve protection too
5		TIMES OF INDIA: Check Dowry Law Misuse by Women: High Court
6		TIMESOFINDIA: Bollywood Godmother Nirupa Roy, brutally Slandered before her death with a Dowry Case by her Daughter-in-law.
7		TIMES OF INDIA: Battered Husbands
8		INDIAINFO: Dowry harassment of men!
9		EXPRESSINDIA: Battered husbands seek justice

10	<u>STATESMAN:</u> <u>If woman shows a bit patience....</u>
11	<u>STATESMAN:</u> <u>When Men are Victimised by Women</u>
12	<u>STATESMAN:</u> <u>Man Commits Suicide not being able to bear false case by his wife</u>
13	<u>STATESMAN:</u> <u>Wife Kills Husband for not meeting her Dowry Demands</u>
14	<u>TRIBUNEINDIA:</u> <u>Domestic Violence by Women Against Men in other parts of world</u>
15	<u>TRIBUNEINDIA:</u> <u>Only one out of six dowry complaints genuine</u>
16	<u>TELEGRAPH:</u> <u>Man Falsely accused by in-laws of Dowry Death of wife, jailed and separated from his child</u>
17	<u>I got my wife 'SKODA' car and she told me PODA (go), and Puts Dowry Case</u>
18	<u>REDIFF:</u> <u>Hope for Victimised Husbands</u>
19	<u>TRIBUNE INDIA:</u> <u>Dowry Act-scared parents disown sons</u>
20	<u>HINDUSTAN TIMES:</u> <u>Raped girl arrested on dowry torture charges</u>
21	<u>THE HINDU:</u> <u>Parents Kill themselves being Harassed by Daughter-in-law filing False Dowry Case</u>
22	<u>INDIAN EXPRESS:</u> <u>Daughter elops, her father puts False Dowry Death Case on Her Husband for Money.</u>

23	<u>EXPRESSINDIA:</u> <u>False Dowry Cases Are Used to improve Crime against women statistics</u>
24	<u>EXPRESSINDIA:</u> <u>Delhi HC wants dowry offences to be bailable</u>
25	<u>TRIBUNEINDIA:</u> <u>Coming to rescue of harassed husbands</u>
26	<u>TIMES OF INDIA:</u> <u>Murder of a Techie, Fiancee held for Intel staffer's murder in Bangalore</u>
27	<u>TAIPEI</u> <u>TIMES: Even CHINESE know about abuse of India's anti-dowry laws</u>
28	<u>BBC:</u> <u>Even Chairperson of the National Commission for Women (NCW) acknowledges the misuse of dowry laws.</u>
29	<u>IRANDOKHT:</u> <u>Even IRANIANS know about False Dowry Cases in India.</u>
30	<u>TELEGRAPH:</u> <u>Marital Woes of Men in Orissa</u>
31	<u>TRIBUNEINDIA: Women</u> <u>mis(using) laws to get even?</u>
32	<u>IMDIVERSITY:</u> <u>Some Indian men living in the West have been falsely accused</u>
33	<u>TELEGRAPH: Do</u> <u>men also need special laws for protection?</u>
34	<u>TIMESOFINDIA:</u> <u>Gee! It's harassed men's turn to come crying</u>
35	<u>JAMAICAOBSERVER:</u> <u>Even People in JAMAICA Know how Indian Husbands are Harassed</u>
36	<u>STATESMEN</u> <u>ORISSA: Do women play a role in dowry deaths?</u>
37	<u>One more Man Commits Suicide after False Dowry Case and Torture.</u>

38	NCMONLINE: Indian Husbands Fall Victim to Dowry-Immigration Fraud
39	MID-DAY: Man ends life over false dowry accusation
40	DAILYTIMES: Even Pakistanis know about False dowry cases in India.
41	REDIFF: Of harassed husbands and belligerent brides
42	NRIINTERNET: NRI Husbands From U.S. Fall Victim To Dowry-Immigration Fraud In India
43	TRIBUNEINDIA: In-Laws of the Son drive Father to Suicide.
44	TIMESOFINDIA: False dowry claims: Air hostess in trouble
45	Times of India: Parents are forcing Daughters to Divorce their Husbands for big Alimony.
46	EXPRESS INDIA: Misuse of IPC behind rise in Crime Against Women.
47	Times of India: Sham weddings in Punjab when go wrong become desertion cases.
48	TRIBUNE INDIA: Old women bitten by Daughter-in-law.
49	Haryana Chief Minister Hooda's son gets anticipatory bailk in 498a case. Is the case genuine ?
50	TELEGRAPH: Man Burns himself not being able to bear the torture by wife.
51	HindustanTimes: Husband in UP protests wife's atrocities.
52	Times of India: Newly Weds File for Divorce in 15 Days
53	Hindustan

		Times: Corrupt Wife Kills Army Colonel.
54		Tribune India: Court Declares terror CAW cells Illegal.
55		Tribune India: If Men Can be Aggressive, Women Can be Subversive.
56		APA.ORG: Does Data on Domestic Violence tell only one part of the story ?
57		Deccan Herald: Sub Inspector rescues Battered Husband in Bangalore
58		Deccan Herald: Consolation for Gentle Men in Distress.
59		World Health Organisation (WHO) Report: In India, Women Abuse Elders (in-laws) by False Dowry Cases.
60		Tribune India: Police told to be sensitive as many Families Commit Suicide in False Dowry Cases.
61		The myth of masculinity http://mitpress.mit.edu/catalog/item/default.asp?ttype=2&tid=7978
62		Dowry law boon or bane http://www.hindu.com/op/2004/12/14/stories/2004121400091700.htm
63		SC upheld the constitutional validity of 498a but agrees that it harasses http://www.hindu.com/thehindu/holnus/002200507211816.htm http://www.telegraphindia.com/1050722/asp/nation/story_5020229.asp http://www.indianexpress.com/full_story.php?content_id=74857 http://www.hindu.com/thehindu/holnus/002200507211816.htm http://timesofindia.indiatimes.com/articleshow/1179308.cms http://sify.com/news/fullstory.php?id=13900953 http://www.eians.com/stories/2005/07/21/21uph.shtml http://www.newkerala.com/news.php?action=fullnews&id=8192 http://www.ptinews.com/pti%5Cptisite.nsf/0/4AF0CEC4E1109512652570450045537E?OpenDocument

		A Copy of the judgement. http://www.pariwariksuraksha.org/WP141.htm
64		The statistics of divorce petitions filed by women are far higher than that by men.
65		86.6 % women in anti-dowry laws Newspaper Sahara Samachar, New Delhi dtd. 3 August 2004
66		Hindustan Times published "3 commit suicide fearing implication in dowry laws. (out of three one Smt. Raj Arora a school mistress & her daughter Suchita (SIL))
67		Hindustan & Punjab Kesari delhi daily Mother of three children / Jethani, a woman committed suicide, fearing arrest in false dowry complaint. Who will look after the children. There are thousands of such cases.
68		AND NOW CRIMES AGAINST MEN ! Gauri Lankesh profiles the Akhil Bhartiya Patni Atyachar Virodhi Morcha, an organisation founded, believe it or not, to fight crimes against husbands -----The Illustrated Weekly of India 20-26.11.1988.
69		IT IS NOW THE TURN OF HUSBANDS & NOW A UNION OF HUSBANDS-----TIMES OF INDIA 5.10.1988
70		AND NOW some food for thought for feminists -----THE HINDUSTAN TIMES, 23.10.1988
71		MENZ LIB : The prime mover R.P.Chugh Dowry is just used ----- INDIA TODAY 30.11.1988
72		Amrita Shah meets the saviour of all harassed husbands.- the Honorary General Secretary of All-India Husbands Front against atrocities Committed by wives.-----Mid-day Bombay 13.11.1988
73		KAHAN JAYEIN BECHARE PATNI KE MARE -----Sarita, March 1, 1989
74		Analysis - CRIME AGAINST MAN ----BIASED LAWS, UNSCRUPULOUS WIVES---Surya India, Oct. 1990
75		5. husband's Sob Story : R.P.Chugh, a delhi advocate, came up with an original brainwave an organisation called Akhil Bhartiya Patni Atyachar Virodhi Morcha for battered husbands. It was men ,he claimed, who needed protection from women. The Illustrated Weekly of India 31.12.1990
76		But I have already begin to teach my son, now just 4 years old, that he must keep this fight on even after I amR.P.Chugh -----Sunday Mail 6.10.1991
77		The Emperor Strikes Back Anshu Khanna has a hillarious encounter with R.P.Chugh ----- Eves, February .1994.
78		The Weaker Sex ? there are laws to protect wives, children and even animals, there is none to protect husbands. -----SUNDAY an anand bazaar patrika 2-8 January 1994 calcutta
79		Comrade Chugh : Man's best friend to rescue, Chugh Not anti women just pro male.

		by Meenal Baghel The Asian Age 16.2.1994
80		An exclusive club for harassed husbands -----The Pioneer 15.7.1994
81		40,000 harassed husbands unite. ----- The Telegraph ORRISA CUTTACK 12.7.1994
82		Patni Peidit : " Husbands of the unite ! you only your wives to cast off " _____ Nagpur Times 24.7.1994
83		Husbands of the world unite -The physical violence inflicted by men on their wives is nothing compared to the mental abuse to which these husbands are subjected. -----Times of India 4.9.1994
84		Ortein Bhi Kam Atyachari Nahin----- -Greh Shobha March 1995
85		STRICTLY FOR HARASSED HUSBANDS The Hindu 9.12.1996
86		Coming to the aid of harassed party- Occupational hazards of being a husband --Hindustan Times -16.01.1997
87		Anti-dowry laws : Harassing innocent husbands-----The Week 6.4.1997
88		India's wives settling scores with their husband _____The Toronto Star, CANADA 25.9.1997
89		Harassed Husbands to protest before Supreme Court on Dec.16, 1997 Asian Age, Bangalore Age
90		R.P.Chugh ko gussa kyon aata hai ? (What makes advocate Ram Prakash Chugh so angry. Chauvinist or a misogynist ? by Aditya Mukherjee Times of India 18.6.1998
91		Chugh plans to collect one lakh letters and approach NCW, NHRC---Indian Express 11.7.1998
92		Taking advantage of the act-----The Hindustan Times 3.2.1999
93		(UN) FAIR DAMES BEWARE, Ram Prakash Chugh Mysogynist or saviour: by Saubhagya Mohan Kala The Hindustan Times 19.3.1999
94		Ram prakash Chugh, the brain behind this novel organisation protesting against crimes by women. if we accept that there is a dark, violent side of men, we should also recognise that there is a vindicative side of women too. Neither sex has a monopoly of virtue or, for that matter, vice. ----- by kasturi Rangachari women's era 5.2.1995
95		Hearthless Homes ----- OUTLOOK , 21.5.2001
96		Men find new refuge as the battle of the sexes intensifies HINDUSTAN TIMES (HT NORTH DELHI LIVE) - 23.10.2001
97		Terror of 498-A for husbands, Photo tortured husbands demanding legal & administrative protection at Supreme Court of India. -----Sarita, (1), December - 2001
98		World wide HARASSED hubands observed fast ON DEC.10 (2001)
99		AGAINST THE MISUSE OF DOWRY LAWS -----The Asian Age, Dec. 2001
100		Movie "Marriage and murder" shows mental cruelty by women are primary cause for physical violence by men having no legal recourse but divorce, where he is loser on all fronts social, emotional, financial, personal liberty.

101		Groom tonsured for asking dowry http://timesofindia.indiatimes.com/articleshow/1157369.cms
102		Groom beaten and tonsured http://in.news.yahoo.com/050701/43/5z61g.html
103		Till Divorce do us part ... 24 July 2005 Time of India Article
104		Politics shadows injustice http://timesofindia.indiatimes.com/articleshow/1157089.cms
105		Shah-bano's case http://homepages.uc.edu/thro/shahbano/sb-story.htm
106		Wife implicated husband in dowry death to extort money and marry another man "Dowry death comes alive" http://www.indianexpress.com/full_story.php?content_id=61245
107		Association for prevention against torture (APT) www.apr.ch Model law drafted by APT for prevention against torture.
108		"The evening show" program A discussion on DD1 on 15 July 2005 http://www.pariwariksuraksha.org/DD1TV.mp3
109		498a A family Killer Seminar by Parivarik Suraksha Sanstha covered by DD News and Total TV on 9 th July 2005
110		The statistics on Hindu reveals The absence of adequate civil courts lead many women to seek police help and exploit Section 498 A IPC to secure divorce or settlement. http://www.hindu.com/thehindu/mag/2002/09/01/stories/2002090100020400.htm
111		Manupatra July 30, 2005 Sushil Kumar Sharma Vs. Union of India (UOI) and Ors. MANU/SC/0418/2005

		<p>The petitioner filed Writ Petition under Article 32 of the Constitution challenging the constitutional validity of Section 498A, IPC on account of its misuse. According to the petitioner people try to take undue advantage of the sympathies exhibited by the courts in matters relating to alleged dowry torture. The Supreme Court, observed that the avowed object for which Section 498A IPC was introduced is to combat the menace of dowry death and cruelty meted out to married women by the husband, in-law and relatives.</p> <p>It is a well settled principle that if a statutory provision is otherwise intra-vires, constitutional and valid, mere possibility of abuse of power in a given case would not make it objectionable, ultra-vires or unconstitutional. If there is abuse, the court by upholding the provision of law, may still set aside the decision and grant appropriate relief to the person aggrieved. Above being the position, the court held that there was no substance in the plea that Section 498A has no legal or constitutional foundation.</p>
112		<p>“The reality of Nisha Sharma” The flaws in dowry law Article by Madhu Purnima Kishwar http://www.indiatogether.org/manushi/issue148/dowry.htm</p>
113		<p>Woman hangs husband to death Bangalore</p>
114		<p>Biased media coverage by Times of India defames son The times of India coverage http://timesofindia.indiatimes.com/articleshow/805979.cms The actual story http://www.thetriangle.org/media/paper689/news/2004/08/20/News/Grad-Student.Facing.Challenges.Across.Borders-703401.shtml</p>
115		<p>Woman held for extortion by threat of implication in rape case. http://groups.yahoo.com/group/saveindianfamily/message/3864</p>
116		<p>Laws against domestic violence : underused or abused. http://www.indiatogether.org/manushi/issue120/domestic.htm</p>
117		<p>Sexual abuse to boys and men is not recognized as crime in India. Homosexuality is decriminalized in world. Criminalization of homosexuality has helped spread social evils, like sexual abuse of boys and men and AIDS. Rape is a psychological trauma, equally wrong for all sexes. http://timesofindia.indiatimes.com/articleshow/1191764.cms</p>
118		<p>National Resource for women, Study conducted by Chakraborty Indrani shows, the gross misuse and abuse of 498a</p>

		http://nrcw.nic.in/abstractdetails.asp?abstid=22&id=Abstracts
119		April 28 th 2005 Times of India (Kolkata). Ranjit Chakraborty of Alipore (Kolkata) commits suicide due to torture of his daughter in law
120		That under English law any person (man / woman / child) can be a victim of rape. (A Text-book on IPC K D Gaur)
121		That section 497 of IPC protects woman from abetment to bigamy. Thus treating a woman as property of man. (A Text-book on IPC K D Gaur)
122		Man shoots himself after tiff with wife http://www.tribuneindia.com/2005/20050810/delhi.htm#10
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		http://cities.expressindia.com/fullstory.php?newsid=146969
145		Counter-view: anti dowry laws are ineffective http://timesofindia.indiatimes.com/articleshow/1222806.cms
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147		Dowry cases more than what meets the eye http://timesofindia.indiatimes.com/articleshow/32288.cms
148		The Deccan, Hyderabad Spin a yarn to win divorce Stories are fabricated to win divorce case.
149		A woman ruins a man's life Dhananjaya Reddy, Vanaja, Nagaraj S/o Kodappa Vs. State of Karnataka Citation: AIR 2001 SC 1512
150		Are women more vindictive than men http://timesofindia.indiatimes.com/articleshow/1230075.cms
151		Do not go gentle http://www.telegraphindia.com/1050430/asp/opinion/story_4677644.asp
152		Domestic violence backlash http://www.telegraphindia.com/1050913/asp/nation/story_5231379.asp#top
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157		Indian women buy men for sex (Outlook September 2005 issue) http://www.outlookindia.com/full.asp?fodname=20050926&fname=Cover+Story+%28F%29&sid=1

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164	Thrash it out again http://www.hindustantimes.com/news/181_1496008_00120002.htm
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171		Woman on top http://www.dailypioneer.com/columnist1.asp?main_variable=Columnist&file_name=mitra%2Fmitra132.txt&writer=mitra
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173		Anti-dowry laws: boon for women turning bane for society Daily excelsior, June 5 2005 http://www.dailyexcelsior.com/web1/03june06/national.htm#2
174		Mother kills son, with the help of son-in-law http://timesofindia.indiatimes.com/articleshow/1248626.cms
175		No of unmarried couples exceed no of married couples in UK, for fear of law. http://timesofindia.indiatimes.com/articleshow/1248396.cms
176		Eunuchs cry for justice http://www.rediff.com/news/1998/oct/20hijra.htm
177		Eunuchs India's third gender http://www.thingsasian.com/goto_article/article.1734.html
178		Human rights violations against trans-gendered community in India People's Union for Civil Liberties, report www.pucl.org http://www.pucl.org/reports/Karnataka/2001/sexualminorities-pr.htm
179		Deserting less earning husband, by wife, entitles for divorce http://www.mangalorean.com/news.php?newstype=local&newsid=19399&PHPSESSID=1faa368b297b10248af1aa373490a260

180	Can cooked data and alarmism help a cause http://www.saveindianfamily.org/blogs/2005/09/29/cooked-data-alarmism/
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List of organizations in support of abused men

1. Pariwarik Suraksha Sanstha
2. Asha-Kiran
3. Sangyabalya
4. <http://patnipeeditmanch.gg.nu/>
CRIME AGAINST MAN / PATNI PEEDIT MANCH
BH-712 A , SHALIMAR BAGH, DELHI-52 (INDIA)
or e-mail at helpline_mancell@yahoo.com
or fax at 91-11-7492335
or phone-91-11-7491408 or 91-11-7491446

Please e-mail more organizations to list in this section.

TILL DIVORCE DO US APART...

Marriage doesn't seem to be all about life-long togetherness anymore. More and more young couples head towards the divorce courts, perhaps due to the 'me-first' mentality that makes compromise and adjustments seem impossible, says Nona Walia

TIMES NEWS NETWORK

The divorce boom has been split wide open. As marriage meltdown sweeps across India and Asia, lawyers predict this is the biggest divorce boom on this side of the planet. Take this: 40 divorce petitions are filed everyday, in eight district courts of Delhi. That multiplies to 280 in a week. Last year, 6,500 matrimonial disputes were registered in Delhi courts. About 2000 matrimonial dispute cases have been filed in Delhi courts as of July 2005. The new paradox is that the number of divorce petitions being filed is more than the number of marriages taking place! In Haryana, 5,000 divorce petitions were filed in 2004.

This whirlwind of change has been brought about by an ideology of individualism that has become the popular mantra in India, of late. Says lawyer Pinki Anand: "Couples are getting divorced with mutual consent. More women are filing for divorce than men. The age group of those seeking a divorce is between 25 and 35. In the last 10 years, I've seen a spurt in divorce cases. The public perception to divorce has changed – being divorced is no longer a stigma. A divorced woman is being treated as someone who is normal."

Obviously, the relationship equation between the genders is changing. Togetherness and the institution of marriage and family are now slowly losing their position to Sex and the City's Sarah Jessica Parker. Says psychiatrist and marriage counsellor Anurag Mishra, "Now, marriage isn't about living with just one partner. If things don't work, walk-out, seems to be the maxim. We're living in a narcissistic society, where young couples find it extremely difficult to care for other people for an extended period of time. With more and more women becoming independent, it's easier to drift apart. There's a serious lack of commitment between couples. The husband and wife are clear about a few things that include: life is short and we want to have fun, either together or alone. If there's going to be any hindrance, we just get divorced." The litany of complaints in a marriage includes arguments over sex, money, the kids and the lack of free time. Take Suman, 35 and Nitin, 40, who fight regularly over 'spending' issues. "My husband feels I spend too much money, an issue that also starts an argument. This leads to fights over trivial issues. I'm not a very verbal person. I suffered in silence for a while and then I just wanted out," reveals Suman.

Even in small towns like Kochi, over 740 couples filed for divorce in the Ernakulam family court in 2004. The number of divorces within the first year of marriage has risen by around 30 per cent since 2000 and seven out of 10 involve couples between the ages of 25 and 35. According to marriage counsellor Pinky Dhawan, "Those days are over when women would put all their energy in trying to make a marriage work. These days, divorce is the first alternative and not the last. The reality of marriage is

so unglamorous that most couples can't adjust to it. There's role conflict, expectations conflict and emotional conflict."

A recent survey in Britain reveals that divorce makes men feel devastated, confused, betrayed and even suicidal; while women are more likely to feel relieved, liberated and happy following a split. "That's because men who are single can't cope with the housework and living alone. Women look forward to a new life," says Mishra. As a result of the divorce boom, marriage therapists, marriage educators and emotional counsellors are in huge demand. However, can they really do any damage control? "I advise couples to come for therapy with their partners. Marriage is like a full-time job. You have to work at it to keep it going. Sadly, divorce is a walk towards individualism. Nobody is fighting for the family anymore," adds Dhawan.

DEFINITION OF TORTURE UNDER INTERNATIONAL LAW
COMPILATION

International Covenant on Civil and Political Rights, 1966¹

Article 7

No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment. In particular, no one shall be subjected without his free consent to medical or scientific experimentation.

Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, 1984²

Article 1

1. For the purposes of this Convention, the term "torture" means any act by which severe pain or suffering, whether physical or mental, is intentionally inflicted on a person for such purposes as obtaining from him or a third person information or a confession, punishing him for an act he or a third person has committed or is suspected of having committed, or intimidating or coercing him or a third person, or for any reason based on discrimination of any kind, when such pain or suffering is inflicted by or at the instigation of or with the consent or acquiescence of a public official or other person acting in an official capacity. It does not include pain or suffering arising only from, inherent in or incidental to lawful sanctions.
2. This article is without prejudice to any international instrument or national legislation which does or may contain provisions of wider application.

European Convention for the Protection of Human Rights and Fundamental Freedoms (1950)

Article 3

No one shall be subjected to torture or to inhuman or degrading treatment or punishment

¹ Adopted and opened for signature, ratification and accession by General Assembly resolution 2200 A (XXI) of 16 December 1966. Entry into force 23 March 1976.

² Adopted and opened for signature, ratification and accession by General Assembly resolution 39/46 of 10 December 1984. Entry into force 26 June 1987.

American Convention on Human Rights (Pact of San José, Costa Rica, 1969)

Article 5 Right to Humane Treatment

1. Every person has the right to have his physical, mental, and moral integrity respected.
2. No one shall be subjected to torture or to cruel, inhuman, or degrading punishment or treatment. All persons deprived of their liberty shall be treated with respect for the inherent dignity of the human person.
3. Punishment shall not be extended to any person other than the criminal.
4. Accused persons shall, save in exceptional circumstances, be segregated from convicted persons, and shall be subject to separate treatment appropriate to their status as unconvicted persons.
5. Minors while subject to criminal proceedings shall be separated from adults and brought before specialised tribunals, as speedily as possible, so that they may be treated in accordance with their status as minors.
6. Punishments consisting of deprivation of liberty shall have as an essential aim the reform and social readaptation of the prisoners.

Rome statute of the International Criminal Court, 1998³

Article 7 Crimes against humanity

1. For the purpose of this Statute, "crime against humanity" means any of the following acts when committed as part of a widespread or systematic attack directed against any civilian population, with knowledge of the attack:
(...)
(f) Torture;
(...)
2. For the purpose of paragraph 1:
(...)
(e) "Torture" means the intentional infliction of severe pain or suffering, whether physical or mental, upon a person in the custody or under the control of the accused; except that torture shall not include pain or suffering arising only from, inherent in or incidental to, lawful sanctions;

Article 8 War crimes

1. The Court shall have jurisdiction in respect of war crimes in particular when committed as part of a plan or policy or as part of a large-scale commission of such crimes.

³ Adopted by the United Nations Diplomatic Conference of Plenipotentiaries on the Establishment of an International Criminal Court on 17 July 1998.

2. For the purpose of this Statute, "war crimes" means:
- (a) Grave breaches of the Geneva Conventions of 12 August 1949, namely, any of the following acts against persons or property protected under the provisions of the relevant Geneva Convention:
 - (...)
 - (ii) Torture or inhuman treatment, including biological experiments;
 - (...)
 - (b) Other serious violations of the laws and customs applicable in international armed conflict, within the established framework of international law, namely, any of the following acts:
 - (...)
 - (xxi) Committing outrages upon personal dignity, in particular humiliating and degrading treatment;
 - (...)
 - (c) In the case of an armed conflict not of an international character, serious violations of article 3 common to the four Geneva Conventions of 12 August 1949, namely, any of the following acts committed against persons taking no active part in the hostilities, including members of armed forces who have laid down their arms and those placed hors de combat by sickness, wounds, detention or any other cause:
 - (...)
 - (i) Violence to life and person, in particular murder of all kinds, mutilation, cruel treatment and torture;
 - (ii) Committing outrages upon personal dignity, in particular humiliating and degrading treatment;
 - (...)
 - (d) Paragraph 2 (c) applies to armed conflicts not of an international character and thus does not apply to situations of internal disturbances and tensions, such as riots, isolated and sporadic acts of violence or other acts of a similar nature.

Elements of Crime as contained in the finalised draft prepared by the fifth session of the Preparatory Commission for the International Court held in New York from June 12 to 30 2000:⁴

*Article 7 (1) (f) Crime against humanity of torture*⁵

Elements

1. The perpetrator inflicted severe physical or mental pain or suffering upon one or more persons.
2. Such person or persons were in the custody or under the control of the perpetrator.

⁴ PCNICC/2000/INF/3/Add.2

⁵It is understood that no specific purpose need be proved for this crime.

3. Such pain or suffering did not arise only from, and was not inherent in or incidental to, lawful sanctions.
4. The conduct was committed as part of a widespread or systematic attack directed against a civilian population.
5. The perpetrator knew that the conduct was part of or intended the conduct to be part of a widespread or systematic attack directed against a civilian population.

Article 8 War crimes

Introduction

The elements for war crimes under article 8, paragraph 2 (c) and (e), are subject to the limitations addressed in article 8, paragraph 2 (d) and (f), which are not elements of crimes.

The elements for war crimes under article 8, paragraph 2, of the Statute shall be interpreted within the established framework of the international law of armed conflict including, as appropriate, the international law of armed conflict applicable to armed conflict at sea.

With respect to the last two elements listed for each crime:

There is no requirement for a legal evaluation by the perpetrator as to the existence of an armed conflict or its character as international or non-international;

In that context there is no requirement for awareness by the perpetrator of the facts that established the character of the conflict as international or non-international;

There is only a requirement for the awareness of the factual circumstances that established the existence of an armed conflict that is implicit in the terms “took place in the context of and was associated with”.

Article 8 (2) (a) (ii)-1 War crime of torture

Elements⁶

1. The perpetrator inflicted severe physical or mental pain or suffering upon one or more persons.
2. The perpetrator inflicted the pain or suffering for such purposes as: obtaining information or a confession, punishment, intimidation or coercion or for any reason based on discrimination of any kind.

⁶ As element 3 requires that all victims must be “protected persons” under one or more of the Geneva Conventions of 1949, these elements do not include the custody or control requirement found in the elements of article 7 (1) (e).

3. Such person or persons were protected under one or more of the Geneva Conventions of 1949.
4. The perpetrator was aware of the factual circumstances that established that protected status.
5. The conduct took place in the context of and was associated with an international armed conflict.
6. The perpetrator was aware of factual circumstances that established the existence of an armed conflict.

Article 8 (2) (a) (ii)-2 War crime of inhuman treatment

Elements

1. The perpetrator inflicted severe physical or mental pain or suffering upon one or more persons.
2. Such person or persons were protected under one or more of the Geneva Conventions of 1949.
3. The perpetrator was aware of the factual circumstances that established that protected status.
4. The conduct took place in the context of and was associated with an international armed conflict.
5. The perpetrator was aware of factual circumstances that established the existence of an armed conflict.

Article 8 (2) (c) (i)-3 War crime of cruel treatment

Elements

1. The perpetrator inflicted severe physical or mental pain or suffering upon one or more persons.
2. Such person or persons were either *hors de combat*, or were civilians, medical personnel, or religious personnel taking no active part in the hostilities.
3. The perpetrator was aware of the factual circumstances that established this status.
4. The conduct took place in the context of and was associated with an armed conflict not of an international character.
6. The perpetrator was aware of factual circumstances that established the existence of an armed conflict.

Article 8 (2) (c) (i)-4 War crime of torture

Elements

1. The perpetrator inflicted severe physical or mental pain or suffering upon one or more persons.
2. The perpetrator inflicted the pain or suffering for such purposes as: obtaining information or a confession, punishment, intimidation or coercion or for any reason based on discrimination of any kind.
3. Such person or persons were either *hors de combat*, or were civilians, medical personnel or religious personnel taking no active part in the hostilities.
4. The perpetrator was aware of the factual circumstances that established this status.
5. The conduct took place in the context of and was associated with an armed conflict not of an international character.
6. The perpetrator was aware of factual circumstances that established the existence of an armed conflict.

Article 8 (2) (c) (ii) War crime of outrages upon personal dignity

Elements

1. The perpetrator humiliated, degraded or otherwise violated the dignity of one or more persons.⁷
2. The severity of the humiliation, degradation or other violation was of such degree as to be generally recognized as an outrage upon personal dignity.
3. Such person or persons were either *hors de combat*, or were civilians, medical personnel or religious personnel taking no active part in the hostilities.
4. The perpetrator was aware of the factual circumstances that established this status.
5. The conduct took place in the context of and was associated with an armed conflict not of an international character.
6. The perpetrator was aware of factual circumstances that established the existence of an armed conflict.

⁷ For this crime, “persons” can include dead persons. It is understood that the victim need not personally be aware of the existence of the humiliation or degradation or other violation. This element takes into account relevant aspects of the cultural background of the victim.