

Government of India

Dated: X-XXX-XXXX

To,
The Public Information officer
R.No. 11-A, North Block
New Delhi.

PART-1

1. Name of the applicant: XXXXXX XXXXXX
2. Gender: Male
3. Email address: XXXXXX@aa.com
4. Address for RTI Response to be sent or correspondence:-

PART-2

1. Particulars of the information required?
Applicant requests information as outlined in **Exhibit-1**.
2. Whether the information sought for is required to be supplied?
Applicant requests to send the information to the above mentioned address **ONLY**
(emphasis added).
3. Whether the inspection of records is also sought?
Yes
4. Application fees mode of payment?
1 IPO of Rs. 50/- payable to Accounts-Officer MHA had been attached.

Declaration of the Applicant

I am a bona fide citizen of India and owe allegiance to the sovereignty, unity and integrity of India and have not voluntarily acquired the citizenship of any country.

Yours truly,

XXXXXX XXXXXX
Dated: XX-XXX-XXXX

EXHIBIT-1

A. The applicant submits that the attitude of the police investigating 498A cases is pathetic. The police perceive as winning a lottery if a 498A case involves an NRI. Grievances from members on our forum boards are very disturbing. Off late there are numerous allegations on the Women Central Crime Station (**Exhibit-2**) in Hyderabad. The women CCS had become a hot bed for buying and selling crime to innocent husbands in return for relief. It is also learned that questioning some police personnel in the Women CCS was fraught with risk, as some police personnel resort to intimidation to unleash SC/ST atrocities act on the husbands when questioned on rights. It is learned that police inspectors, simply will not move their pen forward without a rupee in his/her pocket. It is very disturbing that for innocents who quickly want to get over the case and continue with life, needs to shell out huge amounts to the women CCS personnel. Reason being the husband wanted a charge-sheet, such that he/she can go to High Court and file for quash. It is also learned that as long as money was not shelled out, the Women CCS simply “*continue to harass the husband*”¹ and his family and talk in a filthy language until they agree to extortion. Simply put, this is nothing but buying/selling crime under the veil of counseling. In fact almost every “*women CCS in every state*”² has become a legal extortion desk with a license to extort.

B. This one police station is not to be singled out. In my case the XXXXXXXX police, Ranga Reddy district, Andhra Pradesh simply were recipients of huge gratifications in return for a bogus charge-sheet, absent references u/s sub-section 1 to sec 172 CrPC and recommendation of NBW’s, violating “*Supreme Court settled guidelines*”³. NBW’s on NRI’s has become very casual and mechanical for the police personnel citing as “**absconding**” willfully with ulterior motive and persuading the court to issue NBW’s. In many instances the innocent husbands abroad simply has no clue whether a criminal charge has been filed in India until he sets foot in India and the extortion racket is set in motion by the police. In reality the police simply do not

¹ CAW Cell Atrocities: In Savitri v. Ramesh - Delhi HC -...it comes as an easy tool in the hands of the police and...crime against women cell (CAW) to hound them.

² CAW Cell Misconduct: Dowry laws nail innocents - <http://misuse498a.tripod.com/nail.htm>

³ NBW Guidelines: In Inder Mohan Goswami vs State Of Uttaranchal Appeal (crl.) 1392 of 2007 SC...In complaint cases, at the first instance, the court should direct serving of the summons along with the copy of the complaint. If the accused seem to be avoiding the summons, the court, in the second instance should issue bailable- warrant. In the third instance, when the court is fully satisfied that the accused is avoiding the courts proceeding intentionally, the process of issuance of the non-bailable warrant should be resorted to. Personal liberty is paramount, therefore, we caution courts at the first and second instance to refrain from issuing non-bailable warrants.

understand that the frivolous complaint makers came “forum shopping”⁴ to India with “shopped witnesses”⁵ to obtain leverage in a civil action abroad. The entire modus operandi of NRI 498A cases runs like as below.

- 1) Husband and wife live abroad for gain and a civil action is about to begin abroad or there is an argument and wife runs off to India with as many assets she can grab.
- 2) Wife calls her parents in India and informs about impending civil action and asks to file IPC 498A for leverage in the civil action or to stop the civil action and to settle a personal score.
- 3) Parents of the wife along with “shopped witnesses”⁶ go to the police station, give gratifications and get a complaint registered and press for an NBW recommendation to the court. Given the gratifications the police act unilaterally like sentencing a convicted person. The police now start making money from both sides. Since an NRI is now involved, it is a prize catch for them.
- 4) Police register FIR and write a fraudulent charge-sheet as a loyalty on the gratifications taken from the complainant - citing the husband as “absconding” on a “forum shopped” complaint and recommends NBW. Innocent husbands believe that the Indian System is same like the American System. This myth is busted when he/she sets foot in India and comes to know about the “menu” of extortion - categorized upon his/her social status. This fixed menu is widely prevalent in the Women CCS. Passport has a special fixed rate.
- 5) Court takes cognizance on the “police recommendations and an NBW issued”⁷. It is very disturbing that in many instances the lowest court acts like a “post man to the prosecution”⁸. If the husband questions the police - they abuse their discretion by issuing Interpol Red Corner Notice (Another fancy tool to harass, trespassing territorial jurisdiction on private disputes without any basis in law)

⁴ Forum Shopping - HARMANPREET SINGH AHLUWALIA v. STATE OF PUNJAB Cr1 Appl No. 908/2009- Supreme Court
..the larger part of offence, if any, has been committed only in Canada. Why the father of respondent No. 3 had to come from Canada to Jalandhar to lodge an FIR is difficult to comprehend...We, in the peculiar facts and circumstances of this case, have absolutely no doubt in our mind that the allegations contained in the FIR had been made with an ulterior motive to harass the appellants.

⁵ Witness Shopping: M.N.Ojha vs. Alok Kumar Srivastav Cr1 Appl 1582 OF 2009 SC..It is not that the complainant has to bring only two witnesses to support his allegations in the complaint to have the criminal law set into motion.

⁶ *Ibid.*.

⁷ NBW Guidelines: *op.cit.*

⁸ In Dilawar Balu Kurane vs State Of Maharashtra Appeal (crl.) 8 of 2002 SC

..the Judge cannot act merely as a post office or a mouthpiece of the prosecution, but has to consider the broad probabilities of the case, the total effect of the evidence and the documents produced before the court....neither the Special Judge nor the High Court considered the materials on records while framing charge and there was no application of mind and the Special Judge merely acted as a post office

or the husband has to make sure the police are stuffed with green bucks. If a financial settlement is brokered, the police get a share; else a RCN will be issued, libeling the husband and his family members as International Terrorists. This misconduct is sheer libel and slander.

C. A popular web site⁹ even quoted the beneficiaries of IPC 489A and the economics of revenue turn over by misusing the section IPC 498A. The biggest beneficiary is the Government, for its 498A products. The Hyderabad police web site¹⁰ boasts about quality services and impresses about tips to stop the misuse of 498A only to mislead public. The irony is that most police inspectors are the beneficiaries of the misuse, and it is difficult to believe that incompetent police personnel with an extortion mindset can be professional family counselors (Exhibit-2). The Cyberabad police web site speaks about contacting its “*police officers via emails*”¹¹. In reality they simply trash emails and turn a blind eye to any email. It will be a disturbing trend if emails are accepted only if gratifications had to follow along with the emails. Ironically our country is the only sovereign nation in the world where matrimonial disputes are ONLY due to dowry harassment¹² with well drafted pathetic stories. The inept attitude of the police is not restricted to one or two police stations. This menace of extortion under IPC 498A just happens all around the state in broad daylight. Simply, put it corroborates the theory about the 498A economics¹³. There are many silent tears shed by the husband and his family members all over the State for the “*sin of contracting marriage with egoistic women*”¹⁴ and the corruption that goes unabated in the police station.

D. The applicant submits that this RTI application is of immense public interest, wherein the police officers wearing a respected State badge, flouts the law to amass wealth rather than work for the public. I had delineated the public interest factors below. The entire RTI application had been corroborated with binding and persuasive decisions and well settled guidelines from our nation’s constitutional

⁹ 498A Economics:- <http://www.saveindianfamily.org/articles/blogs/93-498a-india-ltd-a-look-into-the-economics-of-ipc-498a.html>

¹⁰ <http://www.hyderabadpolice.gov.in/WomenCorner/498A.htm>

¹¹ <http://www.cyberabadpolice.gov.in/knownyourpolicestation/Kushaiguda.htm>

¹² Until Dowry do us Apart: Allahabad HC .WP MB 528 of 2005-... The provisions of the act are callously misused by the wives and their parents with different kinds of stories...the allegation of demand of dowry is the eventual result in ninety nine percent of the hundred cases.

¹³ 498A Economics, *op. cit*

¹⁴ Egoistic Women: In *Saritha v. Ramachandra* AAO No.1039- Andhra HC - ...make that offense non-cognizable and bailable so that ill-educated women of this country do not misuse the provision to harass innocent people for the sin of contracting marriage with egoistic women.

courts with citations and reports from reputed organizations. This RTI application content is not on “hearsay” or on “hypothetical basis” or based on “personal knowledge” like the police charge-sheets in 498A cases. I had corroborated various factors on the prevalent corruption and human rights violations perpetrated under the “color of State law” and in cases of NRI’s - “*under the color of foreign Law*”¹⁵.

Public-Interest factors of this RTI application

- a) Rampant corruption in police stations in return for flouting of norms, rules and laws.
- b) Soliciting crime in return for gratifications (accepting bribe from accused to write a charge-sheet).
- c) Conduct unbecoming of police officers by flouting sub-section 1 to sec 172 CrPC and writing up “hearsay” as charge-sheets, and denying the accused of his/her “due process” to participate in the investigation, despite his/her willingness. This is sheer contempt of court on a “*well settled guideline from the Supreme Court on charge-sheets*”¹⁶.
- d) Wastage of tax payer money in an endless circuitous process of committee’s for amendments to sec 498A by referring to the same commission even though an earlier commission and a committee had concluded recommending amendments.
- e) “*Violating and suppressing executive functions*”¹⁷ leading to congestion of judiciary dockets only to result in false cases and quashing of criminal charges by the superior judiciary.
- f) “*Police officers abusing their discretion*”¹⁸ and extorting money in return to provide relief.
- g) Misleading public about effective police services on their web sites and displaying inept attitude.

¹⁵ Under Color of Foreign Law: In MAHER ARAR v. JOHN ASHCROFT, Attorney General of the United States et.al 06-4216-cv 2nd Cir....In adjudicating plaintiff-appellant’s claim under the TVPA, the panel looked to principles of agency law and to jurisprudence under 42 U.S.C. § 1983 for guidance to determine the scope of the phrase “under color of foreign law”...The Supreme Court in Brentwood clearly held that a private actor may be liable under section 1983 when the defendant has been controlled by state actors “or” where the defendant has been a “willful participant in joint activity” with state actors. 531 U.S. at 296 (emphasis added)...And to the extent that analysis of the TVPA’s “under the color of foreign law” provision is analogous to section 1983’s “under the color of state law” provision, see Kadic, 70 F.3d at 245, allegations of a conspiracy between federal and foreign officials should be sufficient to state an actionable claim under the TVPA...see Cf. Aldana v. Del Monte Fresh Produce, 416 F.3d 1242, 1248-49 (11th Cir. 1005) (per curiam) (holding plaintiffs’ allegations that U.S. corporation jointly acted with a foreign official “a Guatemalan mayor” sufficient to sustain a TVPA claim).

¹⁶ Charge-Sheet:In K.VEERASWAMI v.UOI - 1991 SCR (3)189 1991 SCC (3) 655 JT 1991 (3) 198 1991 SCALE (2)150 SC..

“..To state that after collection of all material, the investigating officer must give an opportunity to the accused..”

“Indeed, fair investigation requires that the accused should not be kept in darkness. He should be taken into confidence if he is willing to cooperate. [261B-E].”

¹⁷ *Ibid.*

¹⁸ Interpol RCN Abuse: *op.cit.*

- h) Police officers working for themselves rather than work for the public, leading to conduct unbecoming of police officers and civil servants.
- i) Police officers misusing the power of arrest and *engaging in acts of intimidation*¹⁹ and threatening to unleash SC/ST atrocities act as deterrence when questioned on rights.
- j) Unabated “Legal Terrorism” and copying the pathetic stories from the FIR word-to-word in the charge-sheet instead of conducting effective investigation and maintain logs u/s sec 172 CrPC. As a result the cases go to the Apex Court and are then quashed or acquitted. The result being wastage of public funds on a frivolous cause-of-action and amassing wealth by police officers who were responsible in the first place to conduct a fraudulent investigation.
- k) Counseling in Women P.S is like - “Either you pay up or you are counting bars”. Simply put these are unlawful settlements, threatening to press criminal charges under the veil of mediation and counseling.
- l) Falsifying facts to the court like - “**absconding**”, despite being in contact with the accused to obtain leverage by the police officers to extort money.
- m) Accepting “*forum shopped*”²⁰ complaints and “*shopped witnesses statements*”²¹ that has no clue whatsoever on allegations emanating from another sovereign nation.
- n) Police officers impounding passports without informing passport authority, even though *passports are governed by the Passport Act*²² and not by the CrPC. Interestingly every P.S constable know about the passport price like a readily available extortion menu. NRI? surrender passport or shell out money.
- o) Burdening state exchequer with incompetent police personnel and lowering the image of our nation abroad, leading to advisories by the World Health Organization²³, US Government²⁴ and the Govt. of Canada²⁵ about corruption in Indian police and their

¹⁹ CAW Cell Atrocities: *op. cit.*

²⁰ Forum Shopping, *op.cit.*

²¹ Witness Shopping: *op. cit.*

²² Passport Seizure: In *Suresh Nanda v. CBI* Appeal(Cr1)179/2008, SC - ..the police may have the power to seize a passport under section 102 CrPC, if it permissible within the authority given under sec 102 CrPC, it does not have the power to retain or impound the same, because that can only be done by the passport authority under sec 10(3) of the Passports Act...In our opinion even the court cannot impound a passport...impounding of a passport cannot be done by the court under sec 104 CrPC though it can impound any other document or thing.

²³ WHO - Missing Voices of Elder persons, page-15-... The Indian expression of legal abuse is through abuse of dowry laws by daughters -in-law...daughters-in-law are using this law as a form of elder abuse, by making false police reports..

²⁴ US Govt. advisory- http://www.travel.state.gov/travel/cis_pa_tw/cis/cis_1139.html#criminal_penalties

Furthermore, since the police may arrest anyone who is accused of committing a crime (even if the allegation is frivolous in nature), the Indian criminal justice system is often used to escalate personal disagreements into criminal charges. This practice has been increasingly exploited by dissatisfied business partners, contractors, estranged spouses...

²⁵ Govt. of Canada advisory: http://www.voyage.gc.ca/countries_pays/report_rapport-eng.asp?id=128000

misuse of power to arrest and laws based on frivolous and unfounded allegations with pathetic stories.

p) Dallas County Circuit Court of Dallas in its decision²⁶ dated 20.11.2009 rendering that the 498A law is very controversial in India.

q) Incompetent police personnel who think they cannot divert men and resources to identify dowry assets²⁷ which is the start point of investigation. Simply put, they just copy hearsay and any wild allegations about giving even government property as dowry asset. State exchequer wasted to pay incompetent police personnel who simply fail the public and complement the system of failure.

r) Govt. of Andhra Pradesh having 5lac²⁸ criminal cases pending in the sub-ordinate courts as of Sept 30th, 2009 and every reason to believe that more than 40% are 498A cases, because of false reports written by the police.

s) Fundamental rights guaranteed under Art 21²⁹ to the Indian Const are flouted and usurping "due process" in form of *arbitrary arrest*³⁰ and impounding of passports for failure to agree to a favorable monetary settlement.

t) Recommending NBW on "*forum shopped*"³¹ complaints flouting Supreme Court guidelines, and the lack of knowledge on the Jurisdictional³² validity.

u) Issuing Red Corner Notices on innocent husbands domiciled overseas on unfounded grounds with falsified facts, "*even though the 498A Law has no bearing overseas on allegations emanating out of the foreign Land despite the sovereign nations Local*

Growing numbers of Canadian citizens have been caught up in marital fraud and dowry abuse in India. Other cases involve misuse of India's Dowry Prohibition Act. This law, which was enacted to protect women and makes demanding a dowry a crime, is sometimes used to blackmail men through false allegations of dowry extortion.

²⁶ In re XXXXXX - XXXXXXXX Circuit Court of XX - xxxxxxxxxxxxxxxxxxx - ..and incidentally because of my reading before your case, and before I knew everything about you, I do know that this case is a controversial issue in India.

²⁷ Incompetent Investigation: In re Smt. Neera Singh 138 (2007) DLT 152, I (2007) DMC 545 Delhi HC- ..In some cases claim is made of spending crores of rupees on dowry without disclosing the source of income and how funds flowed...complaints and action is taken merely on the statement of the complainant, without any verification that a large number of false complaints are pouring in..

²⁸ O/o Chief Justice of India- <http://www.supremecourtindia.nic.in/courtnews.htm>
Court News, Vol IV, Issue#4, Oct-Dec 2009, Page -8-, AP High Court criminal pendency as of 30-09-2009 is 22,931 cases. A.P District and sub-ordinate courts,page-9-,criminal pendency as of 30-09-2009 are 5,00,280 cases

²⁹ In Maneka Gandhi vs.UOI 1978 AIR 597 1978 SCR (2) 621 1978 SCC (1) 248 SC Constitutional Bench
..this Court ruled by majority that the expression "personal liberty" which occurs in article 21 of the Constitution includes the right to travel abroad and that no person can be deprived of that right except according to procedure established by law. The Passport Act which was enacted by Parliament in 1967 in order to comply with that decision prescribes the procedure whereby an application for a passport may be granted fully or partially, with or without any endorsement, and a passport once granted may later be revoked or impounded. But the mere prescription of some kind of procedure cannot ever meet the mandate of article 21.

The procedure prescribed by law has to be fair, just and reasonable, not fanciful, oppressive or arbitrary. The question whether the procedure prescribed by a law which curtails or takes away the personal liberty guaranteed by article 21 is reasonable or not has to be considered not in the abstract or on hypothetical considerations

³⁰ Arbitrary Arrest: In Saxeev Kumar v. State of NCT of Delhi, W.P(Cr1.) No. 264/07, Delhi HC-Sections 107/151 were incorporated in the Cr.P.C. to give powers to police to prevent breach of peace. These sections were not incorporated to illegally detain person and harass them or to encroach upon their fundamental rights and keep people in illegal confinement.

³¹ Forum Shopping *op.cit.*

³² Jurisdiction: In Niraj Trivedi v. State of Bihar WP(Cr1) No.235/04,Delhi HC-...Crime cannot be registered on the basis of residence of the complainant or the residence of the father of the complainant or the effect of the crime...

*municipal Laws reigning supreme”*³³. Simply put, this is show-causing a sovereign nation that its own municipal laws are inferior to IPC 498A and a police officer from India embarks to abuse his discretion on frivolous allegations some 8000 miles away on a cause-of-action rooted in another sovereign nation. Extra marital affairs and other *behavioral issues are callously converted to dowry harassment*³⁴ for strategic leverage and the advisors sometime happen to be the police and lawyers. Reason: They can make money on bail applications.

v) *Chief Justice of India affirming that the dowry Laws are being misused*³⁵ and NCW quoting that the police are exploiting the laws leading to misuse.

E. It is kindly requested of the PIO to direct appropriate authorities wherever applicable within 5 days u/s sec 6(3) of the RTI Act, 2005 to furnish the information as requested below.

RTI Questionnaire

Govt. of India

Question #1:

Around Nov- Dec 2009 the Govt. of India released a press note (Exhibit-3) quoting the MHA letter as - “*Representations have been received by the government alleging misuse of IPC 498A*”. Apparently the Govt. of India had asked the States to not be “arrest-happy”. Please set forth the below answers.

a) Kindly mention the date such a letter as delineated in the press note was sent to the States.

b) Please mention if the “*Legal Terrorism*”³⁶ unleashed by IPC 498A was addressed in the State’s Chief Ministers or Director General of Police Conference. If so please set forth the date and a brief description of the issue

³³ Interpol RCN Abuse: In Bhavesh Jayanti v. State of Maharashtra [Arising out of SLP (CrI.) No. 6407 of 2008] Supreme Court of India...Moreover, as per the prevalent practice, in cases pertaining to matrimonial affairs, the view taken is that such matters may not generally be held to satisfy the test of dual criminality...We have already held above that the Municipal Laws of a country reign supreme in matters of Extradition. It is thus for the State concerned to take a decision in regard to such Notices, keeping in view the Municipal Laws of the country. The High Court was, therefore, in our opinion, clearly wrong in holding that a Red Corner Notice should not be tinkered with... It ought not to be forgotten here that the dispute between the Appellant and the Respondent No. 6, being essentially a Matrimonial dispute, is a private dispute and no criminal extraditable offence can be made out of the same

³⁴ Failed Marriages: In Narender Kumar v. State of NCT Delhi, CrI.Appl No. 696/2004 01.11.2007, Delhi HC.. Every marriage that fails does not fail due to dowry demand or cruelties. The marriages do fail for several other reasons including the reason of incompatibility of the persons. A failed marriage is not a crime however, the provisions of Section 498A are being used to convert failed marriages into a crime and the people are using this as tool to extract as much monetary benefit as possible.

³⁵ CJI Balakrishnan admits to misuse of dowry laws : <http://timesofindia.indiatimes.com/india/CJI-Balakrishnan-admits-to-misuse-of-dowry-laws/articleshow/4057825.cms>
CJI quoting as - "In some cases, 498A is grossly misused". NCW quoting as - "There is lack of awareness amongst people that is exploited by lawyers and police".

³⁶ Legal Terrorism: In Sushil Kumar v. UOI, Jul 19 2005 - SC - ...But by misuse of the provision a new LEGAL TERRORISM can be unleashed.

addressed as recorded in the minutes. If Not, please provide a compelling basis, to whether the fundamental rights violation under this “Legal Terrorism” is inferior to other problems, our nation is facing.

c) Please attach a copy of the letter as mentioned in the press note sent to the states in response to this RTI application.

Question #2:

Off late the State Govt.’s have been “abuse happy” in requesting Interpol Red Corner Notices on flimsy grounds, not addressed by the Extradition Treaty Act, as this Act requires dual criminality for extradition. “It is a well settled guideline by the Supreme Court of India that a private matrimonial dispute does not fall under criminal extraditable offence”³⁷. Furthermore the apex court in its landmark judgment (see Interpol RCN Abuse *op.cit.* in the *footnotes*) had set aside a Red Corner Notice issued by the United States Govt. on International Child Kidnapping Act under the Hague Convention as the local municipal law of India does not address the child kidnapping act. For whatever reason the Govt. of India had issued a RCN notice on 498A cases on a private matrimonial dispute, please furnish the below information.

a) Kindly furnish the executive function available with the Govt. of India, that waives any State immunity to the state actors on misconduct for abusing his/her discretion, to pursue a law-suit in the United States Federal District Court under the “color of foreign law”³⁸ in the event the allegations are found to be malicious, willful participation by State actors to deprive a citizen of his/her Constitutional rights and manifested in bad-faith.

b) Kindly furnish the compelling basis as recorded by the Govt. of India, on RCN’s issued to date on allegations supplied by the State police officers on private matrimonial disputes, to tell a sovereign nation that its local municipal laws are inferior and the Laws of India are superior.

Question #3:

The Govt. of India had amended sec 41.1 of CrPC to accord “due process” to the accused in the year 2009. The said CrPC amendment bill had been passed by the parliament signed by the Hon’ble Madame President and published in the *Gazette as per*

³⁷ Interpol RCN Abuse: *op. cit.*

³⁸ Under Color of Foreign Law: *op. cit.*

chapter 9.22 of the manual of Parliamentary affairs in Ministries as Act No. 5 of 2009 on the 9th January 2009 ³⁹. However the Govt. of India stopped short in notifying the states. Please furnish the information as requested below.

- a) Kindly furnish the compelling basis recorded that out-weighed the public-interest from notifying the States, giving the unabated "Legal Terrorism"⁴⁰ and the *misuse of the power of arrest* ⁴¹ by the police.
- b) Kindly furnish the power conferred by the respective article of the Indian Const to the Union of India to set aside a law passed by the parliament, signed by the Hon'ble president and thereafter published in the Gazette.

Question #4:

The Govt. of India in its answer to the Lok Sabha for Q# 3306 dated 21.12.2004 (Exhibit-4) had stated that the Law Commission in its 154th report and the Malimath Committee had proposed amendments to sec IPC 498-A. Yet again the Govt. of India in its answer dated 03.12.2009 (Exhibit-5) for Q# 2335 had stated that the misuse of sec IPC 498A has been referred to the Law Commission of India to study the misuse of section 498A and suggest any amendments. Please furnish the information as requested.

- a) Kindly furnish the date the Govt. of India has reviewed/completed the draft of the proposed amendments to the law with regards to the 154th report of the Law Commission and the Malimath committee recommendations in year 2004 or thereof.
- b) Kindly provide the amount of public funds expended on the 154th report of the Law Commission and the Malimath committee (Exhibit-4) to study the misuse of section 498A. E.g. Law Commission - 10 lacs, Malimath Committee - 10 lacs
- c) Kindly provide the reasons recorded by the Govt. of India to set aside the 154th report of the Law Commission and the Malimath committee recommendations of year 2004 and refer afresh to the Law Commission in Dec 2009 to study the misuse.

³⁹ CrPC Amendment Bill 2008 - <http://saveindianfamily.org/knowledge/laws/449-police-can-no-longer-arrest-arbitrarily.html>

⁴⁰ Legal Terrorism: *op. cit*

⁴¹ Illegal Detention: In re Joginder Kumar SC - ..No arrest can be made in a routine manner on a mere allegation of commission of an offence made against a person.

d) Kindly furnish the date the Law Commission had been notified to study the misuse of section 498A after furnishing the answer to Q# 2335 (**Exhibit-5**) in the Lok Sabha in Dec 2009.

e) Kindly furnish the public funds expended so far to study the misuse of IPC 498A by the Law Commission as referred by the Govt. of India in Q# 2335.

f) Kindly furnish the tentative date the Law Commission is expected to turn over its recommendations to the Govt. of India on the misuse of sec 498A from the 19th Law Commission.

Govt. of Andhra Pradesh & O/o Andhra Pradesh DGP

Question # 5:

Kindly furnish the date the letter (**Exhibit-3**) has been received by the State Govt. and O/o Director General of Police from the Govt. of India, asking the States to not be “arrest-happy” in dowry harassment cases. Please attach the copy of the letter received by the State Govt. & O/o Director General of Police.

Question # 6:

Kindly furnish the details; the O/o Director General of Police had taken steps with regards to the letter from the Govt. of India.

Question # 7:

Kindly furnish the date the State Govt. or the O/o Director General of office notified the Govt. of India advisory to all respective police stations in the State. Please attach a copy of the letter or memo as dispatched to all police stations in the State.

Question # 8:

Kindly furnish the date the Women CCS cell, Hyderabad, AP had received the State Govt. or the O/o DGP advisory letters with regards to the Govt. of India advisory to the States(**Exhibit-3**).

Question # 9:

Given the rampant abuse of IPC 498A in many police stations and the willful violation of the apex court guidelines on “Recommending NBW’s”, “Issuing Red Corner Notices on unfounded basis”, denying the accused of his “due process” during investigations, it is kindly requested of the O/o Director General Police to furnish

the below information. Our Hon'ble apex court has issued guidelines not to rot in the Judgment Information System but to protect the fundamental rights of the nation's citizens.

a) Kindly attach the memo available with the O/o Director General of Police or with any Superior offices of the police establishment (O/o Commissioner of Police or O/o Dist Supdt of Police) that delineates the apex court guidelines on "arbitrary arrest"⁴², "Illegal detention"⁴³ "Unlawful Seizure of Passports"⁴⁴, "Issuing RCN's without any basis"⁴⁵, "NBW guidelines"⁴⁶ and "charge-sheet guidelines"⁴⁷ to all the police stations in the State to adhere to the apex court guidelines in letter and spirit.

b) If no guideline was published or dispatched, please provide a compelling basis that out-weighed the public interest related on arbitrary arrests, illegal detention, and criminal intimidation on the public, unlawful settlements in the police station leading to fundamental rights violation under Art 21 to the Indian Const.

c) Kindly furnish the web site address that delineates the apex court guidelines or a copy of the memo posted for public to learn their rights in IPC 498A cases. Also print and attach a copy of the web site page to this RTI query.

d) Kindly furnish the compelling reason as recorded to suppress sub-section (x) to sec 4(1) of the RTI Act, 2005 that requires all public officers compensation details to be disclosed to the public.

Question # 10:

Given the allegations of gratifications taken by the personnel (Exhibit-2) of the Women CCS cell to sell a crime, harass and engage in unfounded "counseling" qualifications, please set forth the details.

a) Kindly furnish the academic qualifications and the name of the University, the graduation information, grade secured for all the inspectors. Additionally, disclose the qualifications of "family counseling" certifications

⁴² Arbitrary Arrest: *op. cit.*

⁴³ Illegal detention: *op. cit.*

⁴⁴ Passport Seizure: *op. cit.*

⁴⁵ Interpol RCN Abuse: *op. cit.*

⁴⁶ NBW Guidelines: *op. cit.*

⁴⁷ Charge-sheet: *op. cit.*

of the Women CCS personnel on the Hyd police web site u/s sub-section (xvii) to sec 4(1) of the RTI Act, 2005. Also disclose the monthly remuneration paid to the Women CCS personnel on the Hyd police web site u/s sub-section (x) to sec 4(1) of the RTI, Act, 2005.

b) Kindly attach a copy of the "family counseling" certifications of all the Women CCS personnel to this RTI query.

Closing Summary

All the information sought above cannot be exempted u/s sec 8(1) of the RTI, Act 2005 for *allegations of corruption and human rights violations*⁴⁸. This RTI application does not ask to disclose any information held under any fiduciary obligation⁴⁹ by the government. I had corroborated almost the entire RTI application wherever applicable that this RTI application is of immense public-interest and the information that outweighs any exemptions of sec 8(1) of the RTI Act, 2005. I also kindly request the PIO to refrain from *creating new grounds to deny information*⁵⁰ not addressed by the RTI Act, 2005. Further RTI Act, 2005 shall override the *Official Secrets Act, including the CrPC*⁵¹. Therefore the applicant kindly requests the PIO to furnish information or provide a compelling basis if he/she decides to raise exemptions under each such exemption. In the event a response is denied, it is kindly brought to your attention that appropriate sanctions and *penalties*⁵² u/s sec 20(1) of the RTI Act, 2005 will be pursued.

⁴⁸ CIC decision CIC/AT/A/2006/00535 dated 19.01.2007 states- The RTI Act in Section 7(1) and 8(2) authorize disclosure of information within 48 hours rather than one month when it pertains to human rights and waives the protection enjoyed by the Security agencies in case information solicited concerns human rights and corruption. Matters concerning human rights and corruption should, therefore, be construed to come within the exception of Section 8(2).

⁴⁹ Delhi High Court in RTI connected matters- W.P.(CIVIL) NOS. 8396/2009, 16907/2006, 4788/2008, 9914/2009, 6085/2008, 7304/2007, 7930/2009 AND 3607/2007

Normal, routine or rather many acts, transactions and duties of a public servant cannot be categorized as fiduciary for the purpose of Section 8(1)(e) of the RTI Act and information available relating to fiduciary relationship.

⁵⁰ *Ibid.*. The Public Information Officer or the appellate authorities cannot add and introduced new reasons or grounds for rejecting furnishing of information. page -48-

⁵¹ *Ibid.*. Section 22 of the RTI Act gives supremacy to the said Act and stipulates that the provisions of the RTI Act will override notwithstanding anything to the contrary contained in the Official Secrets Act or any other enactment for the time being in force...

.... Wherever there is a conflict between the provisions of the RTI Act and another enactment already in force on the date when the RTI Act was enacted, the provisions of the RTI Act will prevail.

Once an applicant seeks information as defined in Section 2(f) of the RTI Act, the same cannot be denied to the information seeker except on any of the grounds mentioned in Sections 8 or 9 of the RTI Act. page -47/48-

⁵² CIC decision : RC/UG/09/F1738CPSN dated 24.06.2009 - As per section 20(1) of the RTI Act, 2005 penalty @ Rs.250/- is to be levied every day of delay subject to maximum of Rs.25000/-.. Since, you have delayed over 100 days penalty works out to Rs.25,000/-