

Welcome to Save Indian Family

Frequently Asked Questions





SIF Basics

Common Questions

1



Q: I am new to SIF, how can SIF help me?

- We don't give you fish to eat, We teach you how to fish!!
- You have to help yourself by making own action plan than depend on Lawyers. 90% cases got worse due to dependence on lawyers.
- All the evidences you have to collect, not the lawyers (it happens in Movies, not in reality)
- SIF is a gym. We give you strategy and equipment to make body but if you don't workout, body wont be fit.

Common Questions

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Q: What does SIF Expect in return?

- We expect people to contribute to the movement, not by money but by working towards SIF's Goal of a Misandry Free Society, Laws & to stop Men Suicide.
- Be an activist, Help and Network with others

Q: I do not have a SIF chapter in my City, What should I do?

- Start a chapter. For that be a SIF Volunteer helpline and gather more and more people.
- You may not have SIF chapters in your area, but there are many victims of such cases, find them

Fundamentals



- Accept the Situation
- Be Ethical- the laws and system are in her favor
- Take care of your Health, Carrier etc
- Don't Outcast yourself socially, Talk openly about the cases
- Don't Feel Guilty about the situation
- Keep a control on your cases/update yourself
- Work for the Cause, Help Others- Support Men !!
- Have Patience- Wait for the OP to make mistakes
- Thank God that she left- Fighting cases is easier and better than living in an abusive relationship

Common Myths

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- I have not taken any dowry, nothing can happen to me
- I'll be arrested as soon as cases are filed
- Dowry cases can't be filed after 7 yrs of marriage
- I have hired a "good" lawyer, so I am in safe hands
- Wake up! it is Legal Terrorism, no Logic or common sense applies here, she can file cases and you have to start to fight back instead of surrender.



Precautions - At the time of Marriage

Precautions - At the time of Marriage

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Q: What precautions should be taken at the time of marriage of son/daughter?

- Do Not marry in a 498A or an alleged Raped / Harassed Women family
- Do Not marry in the family where people are involved in illegal / fraudulent activities
- Make sure that the list of Gifts (“stridhan”) is signed by the couple along with 2 witnesses from each side. This should be videographed.
- Marriage certificate should say that NO dowry was given or taken during the marriage.
- Prefer doing only Court Marriage and no pomp and show events to avoid allegations tomorrow.



Before Cases



Before Cases

Q: My wife is staying with me and threatening me for false cases, What should I do?

- Start recording (Video/Audio) all her threats and Blackmailing
- Try if you can stay alone with your wife; away from your parents/family
- Keep a track of all the expenses that you are doing on her
- Keep all important documents/valuables away from her
- Keep a proof of her educational Qualifications, Job, Salary etc
- Keep relatives / neighbors informed

At the time she is leaving:

- Inform the police as soon as she leaves the house
- Take a receipt of the things that she is carrying with her; get it signed by witnesses
- Try to keep the kids (if possible)

Before Cases

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Q: My wife is NOT staying with me but threatening me for false cases, What should I do?

- Keep a record of your presence (especially on weekends/holidays)
- Do not close channels of communications
- Keep a tab on FIR
- Anticipatory Bail allowed in UP, Uttaranchal - NO need to go to HC for Stay on arrest
- Avoid to show that without her you can't live
- Never use any provocative words from your side.
- Minimum 2 to 3 years do not file any RCR or Divorce from your side.

Before Cases

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Q: My wife is NOT staying with me but threatening me for false cases, What should I do?
CONT....

- Prepare your self and start collecting evidence by which you can file any criminal cases on them, depends on your evidence and witness you collect.
- Start recording all phone calls with her (family)
- Make ready Criminal Lawyers to get AB/Bail if any FIR is filed.
- Accept your life is not like any of your other friend who are still under marital slavery.

Before Cases

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Q: Can my parents / married sister be implicated in the case, even if they are staying separate?

- It is a very common practice to implicate Sisters, Parents and other family members.
- This is done to create the pressure on husbands and create a panic situation.
- Tell them to take stand, it is between husband & Wife, they have no role and cant advice anything.
- Try to File Quash petition on their behalf and get stay & relief.
- If Quash happens on merit, it could be good case to file defamation on their behalf.



Before Cases

Q: Will getting disowned from my parents help me or them?

- Just for name-sake may go against you.
- It should be in real, no connection or staying with parents, till case finished.



After Cases



After Cases

Q: What all Cases can be filed on me?

- IPC 498A
- IPC 304B Dowry Death
- DP Act
- IPC 406
- IPC 323
- IPC 504
- IPC 506
- IPC 511
- IPC 307*
- CrPC 125
- PWDVA 2005
- IPC 376A, 376B, IPC 376C (Husband relative / friends)
- IPC 354 (Husband relatives / friends)

* Common in UP, Bihar, Rajasthan

NEW THREATS:

- Workplace Harassment Case
- POCSO
- MeToo
- Marital Rape



After Cases

Q: Shall I file a divorce / RCR?

- We do not advise to file a divorce /RCR without any strong documentary evidence.
- Its like moving from Frying pan to Fire, so first you have to prepare your self mentally / socially / financially before moving to Fire.
- There is nothing called “contested divorce” for Indian husbands
- Filing Divorce / RCR is a waste of Time / Energy / Money
- Keep patience and wait for Mutual Divorce. Never ever open your intention, they will take un-due advantage.
- Always say if she can stay without you , you can also stay without her.
- If U have sufficient evidence / witness file Criminal Cases.



After Cases

Q: How to handle Women cell/CAW?

- Women Cell / CAW is a place where mostly girls side demands will be forced on you to be accepted either by threat / creating fear / emotions.
- Never ever try to compromise with hope that case will get closed and your problem will be solved.
- Try to get complaint copy by application or RTI to avoid issues like change of matter afterwards.
- Never sign or write any thing without discussing. Never sign any blank paper.
- Keep CrPC41A ready with you, if a person is co-operating in investigations no need to arrest (**Joginder Singh vs State of UP**) - only if less than 7 years jail.



After Cases

Q: How to handle Women cell/CAW? CONT...

- If you feel any manipulation, write to higher authorities and apply in court for arrest stay / Anticipatory Bail / Interim Bail / Notice Bail on the fear of FIR.
- Keep asking their motive why false cases and always repeat that.
- Try to keep cool head and good relation with IO to get Bail.
- Just offer for a MCD and tell clearly if FIR got registered no MCD and you will fight case in court next 20 years to prove innocent or go to Jail.
- Keep finding their contradictions in statement. It will help in the case.



After Cases

Q: IO Forcing to accept Stridhan List or return?

- As per DP 2 any list which is not signed by both parties, during marriage, is not valid, so such list should not be considered as Prima face evidence.
- As per LAW any valuable Items should not be in your custody, so refuse “No Item belonging to her is with me”. If any return via Police and Punchnama.
- Make list of her house hold items left at your place and tell them to take it back by giving receipt and keep that receipt with you, it will help in AB / Bail.
- Once they get the valuable Items, they demand for more fake items.
- Stridhan EXCLUDES gifts given to Groom and his Family Members.

After Cases

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Q: IO Forcing to accept Stridhan List or return? CONT...

- If you return partial valuable items, still they will cry in court to dismiss your bail for more fake items, so better argue, let IO investigate and come to Trial if found guilty will accept the punishment, but invalid documents can't be used as Blackmailing and extortion tool in Bail or AB.
- Always remember in IPC 406, it is they who have to prove entrustment, asking back, denial and misappropriation. Remember bail is generally granted in 498A and rejected in 406. you have to show intention to return of Stridhan.

After Cases

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Q: Marriage expenses to be compensated by Husband Family?

- There is no LAW where it is mentioned that the Marriage expenses to be compensated by Husband Family if marriage breaks.
- Make a list of the expenses you have done.
- Make a list of the items you or your family members had given to them as customary Gifts.
- As per law she is eligible for maintenance, let her fight in court and let court decide the same, if she is unable to maintain herself. Obey those orders or file appeal in higher court. Till a stay is not granted or is set aside, old order remains in force.



After Cases

Q: Marriage expenses to be compensated by Husband Family? CONT...

- Never ever accept for Marriage expenses to be compensated.
- Always avoid to give bulk money as one time settlement, it encourages more such blackmailing extortion cases. Always remember in IPC 406, it is they who have to prove entrustment, asking back, denial and misappropriation. Remember bail is generally granted in 498A and rejected in 406. you have to show intention to return of Stridhan.

After Cases

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Q: What to do if any Judge / mediator forces you to accept wife after complaint?

- Never give direct answer, just say that your first priority is to prove innocence because if second time she complains, not only you but your family will be convicted.
- As per SC, second time 498A, AB to be rejected on ground previously also have criminal case.
- Refer SC Judgments where person was convicted by trial court & High court in 304B and SC release them in 304B, but convicted in 498A as previous marriage same complaint was there or compromise deed was there.

After Cases

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Q: What to do if any Judge / mediator forces you to accept wife after complaint? CONT...

- She has filed, so first she have to give statement the case is false / fabricated and she filed to harass you.
- Statement in court, not in police station. You can't force her to give any statement to close the case, it will harm you in future.
- Always seek the child custody / visitation rights, if you are a father. It is child's right to have access the parents.

After Cases

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Q: Mediator/Judge forcing you to take back your Wife after false 498A/DV complaint?

When any mediator tries to force/coax you to take back your wife, clearly state:

- “Sir, I have been termed as Criminal and my first priority is to prove my innocence, otherwise later if anything was to happen to my wife, court will term me guilty even if I have always been innocent” (Use such judgment as your reference)
- “Once I have proven my innocence and claimed for damages and defamation, I will definitely consider your suggestion.”
- “Please allow me to prove my innocence in the court of LAW first.”
- The mediator’s argument will be “She will withdraw all cases, so what is your problem?”

After Cases

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Q: Mediator/Judge forcing you to take back your Wife after false 498A / DV complaint?

CONT...

- “Sir, she is the one who filed the cases, so it is up to her to decide what she wants to do with them. I can’t advice or force her to withdraw cases. If she withdraws the cases, I would like to review the order copy and will decide then what needs to be done. Will the order state that I was innocent in the first place and she filed false fabricated cases?”
- “Also, what is the guarantee that she will not file similar/same false cases in future?”
- “If tomorrow some thing was to happen to her, who will take responsibility for that? Even Supreme Court will label me guilty.”

After Cases

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Q: Mediator/Judge forcing you to take back your Wife after false 498A / DV complaint?

CONT...

- “If she really trusts me, let her first make a statement in court that all the cases she filed were false/fabricated with the intent to harass me and my family; and in future she will not try to misuse laws again.”
- “If in future she files any such false and fabricated cases, she will be liable to pay xxxx amount for the damages incurred on me.”
- There is a 99% chance that such a law abusing wife will never agree with your conditions. If at all She agree Now u have a Documentary Evidence to File Divorce, though it is still like moving from Frying pan to Fire, but You have some evidence at hand and Sc term the same Mental cruelty, filling False cases.



Bail and Anticipatory Bail

Bail and Anticipatory Bail

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Q: What is Bail / Anticipatory Bail?

Refer Section 438 of the Code which reads as under:- 438. Direction for grant of bail to person apprehending arrest

1. Where any person has reason to believe that he may be arrested on accusation of having committed a non-bailable offence, he may apply to the High Court or the Court of Session for a direction under this section that in the event of such arrest he shall be released on bail; and that Court may, after taking into consideration, inter alia, the following factors, namely—
 1. the nature and gravity of the accusation;
 2. the antecedents of the applicant including the fact as to whether he has previously undergone imprisonment on conviction by a Court in respect of any cognizable offence;

Bail and Anticipatory Bail

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Q: What is Bail / Anticipatory Bail? CONT...

3. the possibility of the applicant to flee from justice; and
4. where the accusation has been made with the object of injuring or humiliating the applicant by having him so arrested, HC / Session court either reject the application forthwith or issue an interim order for the grant of anticipatory bail: <http://lawcommissionofindia.nic.in/reports/report243.pdf>



Bail and Anticipatory Bail

Q: On What grounds the AB / Bail should be fought?

- The Accused person Joined / cooperated in investigation and will do so in future also and to complete the investigations arrest is not necessary.
- Reputation is part and parcel of right to life: SC
- The liberty of a person was a precious fundamental right under Article 21 of the Constitution and should not be lightly transgressed.
- Best seek 10 to 15 days arrest stay to Join investigation if AB directly not possible.
- Then come back and say, I joined investigations / mediation and there is no need of arrest to complete the investigation

Refer various SC Judgments : <http://judis.nic.in/supremecourt/chejudis.asp>
<http://lawcommissionofindia.nic.in/reports/report243.pdf>

Anticipatory Bail allowed in UP, Uttaranchal - NO need to go to HC for Stay on arrest



Bail and Anticipatory Bail

Q: On What ground the AB / Bail may be rejected?

- If IO/PP able to prove you are absconding, can tamper evidence, life threat to complainant / witness, recovery of items, or will flee away from country, chances of rejection of AB is high.
- If the Charges / allegations are serious in Nature like Murder / Rape / Drugs / Women suicide / Women Burnt / Hospitalized / Forced Abortion.
- Previous record of any Criminal cases/Jail (second time 498A is more dangerous than first time)
- Normally, when the accused is “absconding” and declared as a “proclaimed offender” , there is no question of granting anticipatory bail.
- Against whom a warrant had been issued and is absconding or concealing himself in order to avoid execution of warrant and declared as a proclaimed offender in terms of Section 82 of the Code is not entitled the relief of anticipatory bail.
<http://lawcommissionofindia.nic.in/reports/report243.pdf>
- First remove Section 82 PO on technical grounds or surrender in Court .
- Always insist this is family disputes and her real motive behind this is?

*Please remember, these are general guidelines, may differ from case to case.

Bail and Anticipatory Bail

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Q: What is CRPC41?

Notice of appearance before police officer -

- The police officer may, in all cases where the arrest of a person is not required under the provisions of sub-section (1) of section 41, issue a notice directing the person against whom a reasonable complaint has been made or credible information has been received or a reasonable suspicion exists that he has committed a cognizable offence to appear before him or at such other place as may be specified in the notice .
- Where such a notice is issued to any person, it shall be the duty of that person to comply with the terms of the notice.
- Where such person complies and continues to comply with the notice , he shall not be arrested in respect of the offence referred to in the notice unless, for reasons to be recorded, the police officers is of the opinion that he ought to be arrested.

Bail and Anticipatory Bail

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Q: What is CRPC41? CONT...

- Here such person, at any time, fails to comply with the terms of the notice, it shall be lawful for the police officer to arrest him for the offence mentioned in the notice, subject to such orders as may have been passed in this behalf by a competent Court.

<http://policewb.gov.in/wbp/misc/act/Amendment-Act-2008.pdf>

Rajesh Sharma v State of UP Guidelines on IPC 498A

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Benefits of Judgement :

- If bail application is filed with one clear day notice to PP, the court has to decide the bail the same day. And bail cannot be denial just because of recovery of dowry items.
- Recovery of dowry/gift articles is not a consideration for bail/AB
- For NRI, impounding of passport or issuance of Red Corner Notice should not be a routine.
- An application can be filed to District Judge for clubbing of all connected cases in one court.-
NOT CLEAR BUT SHOULD BE TRIED

PS: If there is any tangible physical injuries or death then these guidelines are not applicable.

Please note that this judgment was partly modified 1 year later by Hon'ble Supreme Court and FWC was dissolved though following of CrPC 41A and Bail Proceedings were not altered.

Please refer below link to understand the difference between both the Judgments: [Rajesh Sharma SC Judgment - 2017 vs 2018](#)



Child Custody



Child Custody

Q: Child Custody, What should I do?

Preparation:

- Start sending gifts to your child through E-Commerce Site or by Postal order
- Open Saving bank Account in favor of your child and deposit the money regularly as per your financial condition
- If your child is in the school try to pay school fees from your Bank Account.
- Proper communication via call, sms etc. with the wife to know about the child condition towards health, education etc.
- Complaint can also be filed before Child Welfare Commission on the gross negligence of wife for care of child towards health, education etc.



Child Custody

Q: Child Custody, What should I do? CONT...

Important points to mention in Child Custody Petition

- Fact regarding Father and his family's financial condition and education status
- Facts regarding Wife's financial incapability and education status if wife has not studied basis education
- Fact regarding locality where wife is living with child if locality is not good
- Request for counselling of child through counselling expert
- Ask for shared parenting based on the shared parenting plan prescribed by State Maharashtra, Madhya Pradesh etc.
- Facts regarding overall welfare of child is with Father only



Child Custody

Q: GOAL OF CUSTODY AND VISITATION ORDER?

To create a parenting plan that is in the *best interest* of your children:

- Welfare of child is of Paramount interest
- Looking at your child's basic needs
- Looking at your child's age, personality, experiences and abilities
- Looking at the nature and amount of contact with each parent
- Providing frequent and consistent time with each parent
- Providing a clear statement of parenting times and responsibilities



Child Custody

Q: CHILD CUSTODY important sections and Judgements?

Cases can be filed under

- U/s 26 of Hindu Marriage Act Child visitation/Custody case can be filed (if any case is pending in HMA).
- Petition is to be filed u/s 8 of The Guardianship and Wards Act, 1890
- In case of special marriage act 1954 application is filed U/s 38
- U/s 21 of Protection of women from Domestic Violence Act Child visitation/Custody case can be filed.
- Other Important Acts are HAMA (Hindu Adoptions and Maintenance Act) & JJ Act (Juvenile Justice Act)



Child Custody

Q: CHILD CUSTODY important sections and Judgements? CONT...

Cases can be fought referring to:

- **Roxann v/s Arun**, 2015 (8) SCC 318; 2015 AIR (SC) 2232,
- Case law on Joint Custody : Case no.MFA no.1729/2011(G & W), Karnataka HC (**K. M. Vinaya v/s B. R. Srinivas**)
- Welfare of child is paramount : **Gaytri Bajaj v/s Jiten Bhalla**, Civil Appeal Nos.7232-7233 of 2012, Supreme Court



Trial and Transfer Petition



Trial and Transfer Petition

■Q: How to prepare for trial in 498A/DV/CRPC125 cases?

- Cases WIN on ground contradictory statements, creating doubt against any allegations, abuse the process of LAW or for coming to court with unclean hands.
- Go through all FIR/ Complaint/ Charge sheet or any other cases documents , then note down the contradictory statements, hiding of Important Fact.
- On Facts of cases, prepare the questions for complainant and witness for Cross.
- Bring out the fact in court and also try to find reference Judgments of SC like your cases.
- Use of CrPC 340 should not be missed at any stage.
- 90% preparation should be from your side, as you know the fact better than your lawyers.
- Avoid any contradictory statements or allegations without evidence from your side.
- Highlight all the good things you have done for her, like purchase of any items / home / FD / education / photos of outings etc.
- Identify the motive of her filling such cases, MOST IMPORTANT.



Trial and Transfer Petition

Q: How to prepare for trial in 498A/DV/CRPC125 cases?

List of Cases Cited

All citations are listed here in reverse chronological order i.e. with most recent first.

Supreme Court Judgments

- Rajesh Sharma v. State of Uttar Pradesh - SLP (Crl.) No. 2013 of 2017
- Arnesh Kumar v. State of Bihar - 2014 (8) SCC 273
- Preeti Gupta v. State of Jharkhand - AIR 2010 SC 3363
- Ramgopal v. State of Madhya Pradesh - 2010 (7) SCALE 711
- Bhura Ram v. State of Rajasthan - AIR 2008 SC 2666
- Manish Ratan v. State of Madhya Pradesh - 2007 (1) SCC 262
- Sushil Kr Sharma v. Union of India - AIR 2005 SC 3100
- Ramesh v. State of Tamilnadu - AIR 2005 SC 1989
- Y Abraham Ajith v. Inspector of Police, Chennai - AIR 2004 SC 4286
- B S Joshi v. State of Haryana - AIR 2003 SC 1386



Trial and Transfer Petition

■Q How to prepare for Trail in 498A/DV/CRPC125 cases?

List of Cases Cited

All citations are listed here in reverse chronological order i.e. with most recent first.

High Court(s) decisions

- Chander Bhan v. State (of Delhi) - II (2008) DMC 359 Delhi
- Narender Kumar and anr. v. State (Govt of NCT of Delhi) - I (2008) DLT 337
- Smt. Neera Singh v. The State (Govt of NCT of Delhi) - I (2007) DMC 545 Delhi
- Pandurang Katti v. State of Karnataka and Smt. Trupti - MANU / KA / 0381 / 2005
- Dharm Raj Yadav v. State of U.P. (WP 528 of 2005 - Allahabad H.C. dtd 10-01-2006)
- Savitri Devi v. Ramesh Chand - 2003 Cri.L.J. 2759 Delhi
- Birendra Jha v. State of Jharkhand - I (2002) DMC 393 Jharkhand



Trial and Transfer Petition

Q: How to prepare for trial in 498A/DV/CRPC125 cases?

Establish real Motive of such cases filed, with evidence / witness / Cross:

1. Demand for buying an expensive House/Diamonds/valuable in wife's name.
2. Wife wants Husband should cut off all relations / support to his parents / brothers / sisters, even not allowing to speak to them or visit them.
3. Disputes of Property / Business with In-laws going on.
4. Wife demanding money for her family business or for her brother / sister / parents.
5. Wants to stay near by her parents home.
6. Working in other city / town than husband's work city.
7. Marriage had been forced by girls parents.
8. Have some medical problem or had hidden some material (for marriage) fact
9. Blackmailing and extortion along with Easy divorce with child custody.



Trial and Transfer Petition

Q: How to prepare for trial in 498A/DV/CRPC125 cases? CONT...

10. Cheating, adultery or the Child born is not of the husband
11. Husband lost his Job or became ill and can't afford her lavish life style
12. Refusal to have physical relation - Non-consummation of marriage.
13. Elder abuse and treats in-laws as maids.
14. Husband filed Divorce or any Criminal cases against wife or her family members.



Trial and Transfer Petition

Q: How Can I avoid Court Dates?

1. Maximum Cases get spoiled for non attendance in court dates by accused.
2. As per Criminal Justice System, the accused should be present on court dates, if not, Judge can issue warrant for avoiding the court order.
3. If you are not able to attend the Court dates, your Lawyer must file Exemption application for the date.
4. In some cases like age old parents, sisters, NRI, you may seek for permanent exemption u/s 205, except for some important dates when court calls.
5. So bottom Line is, either attend or File Exemption application, do not leave it to lawyers in Criminal cases.



Trial and Transfer Petition

Q: How Can I avoid Court Dates? CONT...

6. In any condition, more than 3 dates continuous exemption not advisable especially for the main accused.
7. In Civil cases like Divorce/RCR as well as maintenance cases like HMA 24, CrPC125, your lawyer can represent except for some important dates like evidence / cross / final arguments. But it is better to be present yourself to understand what is going on, 90% times you will get just a next date only.



Trial and Transfer Petition

Q: My Wife has filed a transfer petition in HC/SC on my RCR/Divorce case? What should I do

1. Hire a lawyer in HC/SC (or go Party in Person) and file a reply. Highlight stage of cases and if she is already fighting the case in same court or her case is going on in same court.
2. You may ask for mediation and then drag them at least 10 dates before transfer the Case.
3. Ask for a time bound disposal of case.
4. Defend it, but don't expect anything
5. Try to Highlight if any fact they had hidden in their application (Ground - coming to Court with Unclean hands and abuse the process of LAW - the best defense and file CrPC 340).



RTI and Maintenance



RTI and Maintenance

Q: Multiple maintenance cases have been filed on me, What should I do?

- She will get maintenance under one only, but you will have to fight all of them
- Keep proofs of her Educational Qualifications, Job, FD, Valuable items, Property, Bank account, PPF, PF, ITR, PAN, Mobile Bill or any Purchase bills Etc
- Concentrate on “Unclean Hand” and abuse the Process of LAW, contradictory statements.
- Focus on your liabilities and responsibilities
- File written arguments, Use Citations
- Get rid of your assets in a planned manner
- Do NOT leave the Job or try to hide salary in court
- Increase your Income, not your salary
- Use CrPC 91, Evidence act 106 and CrPC 340.
- Make List of some Trust / School / Old age home / Child care / NGO / Company where she can work instead of sitting idle in home

*Please remember, these are general guidelines, may differ from case to case.



Bail and Anticipatory Bail

■Q: How to File RTI (Right To Information. Act 2005)

RTI can be filed Online & Offline

- In central govt. organization (GOI) / Department, online RTI can be filed
<https://www.rtionline.gov.in/>
- Sample RTI can be referred from blog <http://neerajjuneja.blogspot.in/2015/08/blog-post.html>
- RTI can be filed to get many information from different department which can help you in your ongoing cases:
- Police (For complaint copy / transcript of 100 call details / tenant verification)
- Govt. Hospital (For procedure of MLC or any record from hospital)
- Private Institution (eg. Hospital, School, College under Directorate of Health & Education – This is defined in 2(f) of RTI Act 2005)



Bail and Anticipatory Bail

■Q: How to File RTI (Right To Information. Act 2005)

RTI can be filed Online & Offline

- In central govt. Org (GOI)/Department, online RTI can be filed <https://www.rtionline.gov.in/>
- Sample RTI can be referred from blog <http://neerajjuneja.blogspot.in/2015/08/blog-post.html>
- RTI can be filed to get many information from different department which can help you in your ongoing cases:
 - Police (For complaint copy / transcript of 100 call details / tenant verification)
 - Govt. Hospital (For procedure of MLC or any record from hospital)
 - Private Institution (e.g. Hospital, School, College under Directorate of Health & Education – This is defined in 2(f) of RTI Act 2005)



Property Related



Property Related

Q: I have a house on Joint Name with my wife but all Payment/EMI paid by me?

Cases can be fought referring to:

- Yes, She can claim the right to stay in that house
- Let you buy or give her 1000 crores, you can't ask a penny of that as per law
- If IrBM would have been passed, she can keep her portion as well as demand minimum 50% of your portion also, means u loose 75% minimum
- Maximum Chances court will order the full house in her name
- Dispose off such property as early as possible is best or surrender the same to Bank for auction is best to minimize further loss
- Consider the same as your dead investment
- Some cases she may claim she paid you cash and you had paid the same on DD / Cheque

Buying a Property in wife name or in Joint name without her contribution, is the biggest mistake a Man do in India.



Property Related

Q: I have a house in my name, can wife claim right on that house? Can she claim residence in my parental house?

1. Yes, She can claim the right to stay in your house or you can offer alternate rented accommodation under PWDVA 2005.
2. If you stay along with your parents in Joint family, she can ask the same under DV LAW under “shared household”
3. If IrBM would have been passed, she can claim minimum 50% property which you already got or eligible to get in future. % will be decide by court.



Property Related

Q: My wife is demanding XX lakhs to settle the cases, shall I go ahead

1. Yes, She We don't recommend to settle cases by paying money
2. It has its own repercussions
3. If no Criminal Cases have been filed and the demand is reasonable or only Civil cases are filed, u may think of it, but after file criminal case straightaway no for money based settlement.
4. Let her Fight in court and get order for what she deserves. Obey the court order, no outside court blackmailing / extortion.



Property Related

Q: My wife has filed cases / complaints on me (in past) and now she wants to come back

1. We do NOT recommend to take such wives back. In fact we recommend to Boycott such families / girls.
2. First ask to give in writing that the case was false / fabricated and in future she will not file any such cases to harass you or your family and demand some cost as full and final settlement and get it through court certified if possible (they will never do).
3. If she do that, use it as a ground for divorce and file divorce case. There are various judgments that filling false cases is a strong ground for divorce.



Property Related

Q: If I commit suicide will the case get closed?

1. By suicide, the cases like 498A/DV do not get closed, your parents/relative have to continue to suffer as only 1 respondent / accused is dead. And she need not even wait for getting divorced.
2. If you suicide, your wife will be termed as Widow and she will get all your movable / immovable assets by default as per SC Guidelines.
3. She can even go for re-marry or Live-in to any guy and never agree to come to court for close the other cases on your parents/relative which are against State.
4. When you suicide your parents/relative become weak and surrender to Legal Terrorism.
5. Best solution, enjoy the life at best, travel new places, play sports and instead of suicide, be ready to go to Jail & start protest from there like hunger strike (India's history).



Property Related

Q: If I commit suicide will the case get closed? CONT...

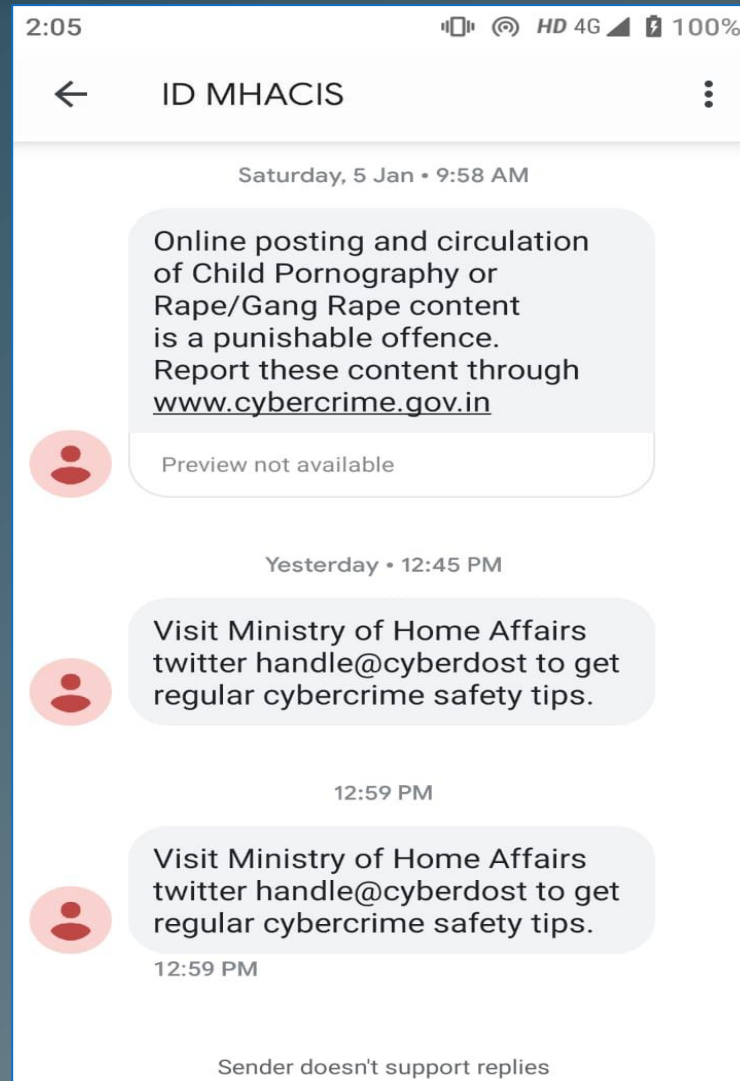
6. Never ever agree for Divorce as per their terms and fight case up to SC, if required, party in person. Start reading various SC Judgments, at least one every day.
7. Be a Volunteer of SIF and start meeting those who are suffering like you.
8. Remember those good days before marriage and start living a married bachelor's life.
9. If you are under family pressure to settle, take some small rented room or paying guest, far from other family members and tell them you are enjoying the life.



IT ACT and Cyber Crime



IT ACT and Cyber Crime



*Please remember, these are general guidelines, may differ from case to case.



IT ACT and Cyber Crime

- Crime committed in Cyber Space or Internet.
- Cyber Space or Internet is a notional environment in which communication over computer networks occurs.
- Various forms of Crime: Use of Social Media (Twitter, Facebook, Instagram, WhatsApp etc.) to post/send obscene pictures (morphed or original), Hacking of account on any website, Digital Signature Certificate creation/use by impersonation, Illegal use of Internet Banking userid/password to access and transfer of money etcetera.
- Identification: Message on registered phone or registered e-mail id stating “an attempt is made to change password of your xxxxxxxx account” or “your Password is updated successfully” , receiving calls from strangers intending to talk vulgar, alerts on your registered phone reporting unknown debits in your bank account etc. etc.



IT ACT and Cyber Crime

- Computers, laptops, comm. devices, internet conn. etc. used for crime.
- Important Characteristic : Footprints almost impossible to destroy. Hence, high chance to prove crime in court.
- To be reported to nearest Police Station or District Cyber Cell or both.
- In Delhi can be reported online as well through website: <http://www.cybercelldelhi.in/Report.html>
- Preliminary enquiry is done by Cyber Cell IO and based on his recommendation, SHO of local PS would register FIR.
- Common sections applicable IT ACT, 2000 U/S 66, 66b-E, 71, 73 and 74 and in certain crimes IPC sections too.
- Nothing Can Replace: Pursue your complaint regularly, meet who you think would help be it ACP, DCP, CP (Write, Write and Write), RTI make DCP office or PS your second home.

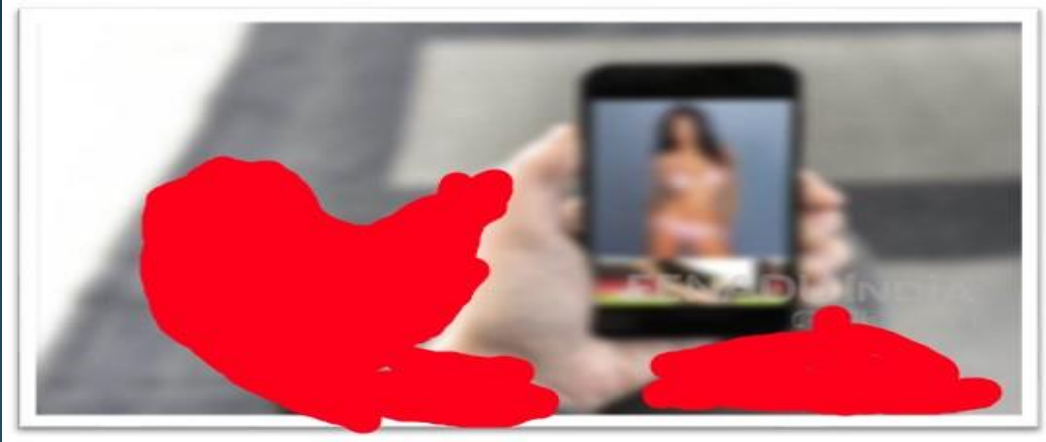


IT ACT and Cyber Crime

- Boon or Curse: Cyber Crime can be a “Boon” but “Curse” too. YOU DECIDE.
- Few Examples:
 - Estranged spouse posting morphed photos on Social Media showing other spouse performing obscene act.
 - Estranged spouse posting photos of other spouse on Social Media with phone no. and claiming the spouse “Pimp”.
 - Estranged spouse hacking into Income Tax website Account of other spouse for Income Tax Returns to be submitted as evidences in CrPC 125 or DV proceedings or both.
 - Estranged spouse using internet banking account userid/password of other spouse to transfer money to her accounts.



IT ACT and Cyber Crime



Resources:

Twitter Handle:

@cyberdost

(Safety Tips by MHA)

Link: www.cybercrime.gov.in

Dear [REDACTED]

Your Password is updated successfully and the Transaction ID is [REDACTED]

This is a system generated e-mail and please do not reply. Add donotreply@incometaxindiaefiling.gov.in to your white list / safe sender list. Else, your mailbox filter or ISP (Internet Service Provider) may stop you from receiving e-mails.

If you have not changed the password and you have received this e-mail, it may mean that somebody else has changed the password. Please contact 1800 103 0025 (or) 080 26500026 immediately.



Passport Issues



Passport Issues

Q: How do I make/renew Passport during Criminal Cases?

What does Passport Act Say:

- 6. Refusal of passports, travel documents. etc.
 - (2) Subject to the other provisions of this Act, the passport authority shall refuse to issue a passport or travel document for visiting any foreign country under clause (c) of sub-section (2) of section 5 on any one or more of the following grounds, and on no other ground, namely: -
 - (f) that proceedings in respect of an offence alleged to have been committed by the applicant are pending before a criminal court in India;

What happened in 1993?

In 1993, Ministry of External Affairs, vide G.S.R. 570(E) notification in Gazette of India, said, “hereby exempts citizens of India against whom proceedings in respect of an offence alleged to have been committed by them are pending before a criminal court in India and who produce orders from the court concerned permitting them to depart from India, from the operation of the provisions of clause (f) of subsection (2) of section 6 of the said Act, subject to following conditions, namely”

**images of the Gazette notification in next slide.*



Passport Issues

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(ii) if no period either for the issue of the passport or for the travel abroad is specified in such order, the passport shall be issued for a period one year;

असाधारण
EXTRAORDINARY

P.O. 650

भाग II-खण्ड 3-उप-खण्ड (i)

देश 300

(ii) If no period either for the issue of the passport or for the travel abroad is specified in such order, the passport shall be issued for a period one year;

Attested

10/9/12
विशेष अधिकारी
प्राप्त करार, असाधारण विभाग,
मिनिस्टर ऑफिस, दिल्ली-54

THE GAZETTE OF INDIA, EXTRAORDINARY [PART II-SEC. 3 (i)]

करते हैं, उक्त अधिनियम की धारा 6 की उपधारा (2) के खण्ड (ब) के प्रावधानों के

प्राप्त :-

देश दिए

;

देश यात्रा

नए जारी

किया जाएगा ;

(iii) यदि ऐसे आदेश में विदेश यात्रा की अनुमति एक वर्ष से कम अवधि की दी गई है, परन्तु पासपोर्ट की वैधता अवधि निर्दिष्ट नहीं है तो पासपोर्ट एक वर्ष के लिए जारी किया जाएगा ; अन्यथा

अवधि के लिए विदेश यात्रा की अनुमति नहीं है तो पासपोर्ट, आदेश में निर्दिष्ट किया जाएगा ।

विदेश

पासपोर्ट की, सभी प्राप्त हो, जिनमें पासपोर्ट की निर्दिष्ट हो;

प्राधिकारी को लिखित में यह पर वह किसी भी समय पासपोर्ट प्राप्त ।

[सं. VI /401/37/79]
प्राप्त संयुक्त सचिव (सोपीवी)

EXTERNAL AFFAIRS

10/9/12

conferred by clause (a) of 67) and in supersession of the

Attested

10/9/12
विशेष अधिकारी
प्राप्त करार, असाधारण विभाग,
मिनिस्टर ऑफिस, दिल्ली-54

[भाग II-खण्ड 3(i)]

भारत का राजपत्र : असाधारण

3

notification of the Government of India in the Ministry of External Affairs No. G.S.R. 298(E), dated the 14th April, 1976, the Central Government, being of the opinion that it is necessary in public interest to do so, hereby exempts citizens of India against whom proceedings in respect of an offence alleged to have been committed by them are pending before a criminal court in India and who produce orders from the court concerned permitting them to depart from India, from the operation of the provisions of Clause (f) of sub-section (2) of Section 6 of the said Act, subject to the following conditions, namely :—

- (a) the passport to be issued to every such citizen shall be issued—
 - (i) for the period specified in order of the court referred to above, if the court specifies a period for which the passport has to be issued; or
 - (ii) if no period either for the issue of the passport or for the travel abroad is specified in such order, the passport shall be issued for a period one year;
 - (iii) if such order gives permission to travel abroad for a period less than one year, but does not specify the period validity of the passport, the passport shall be issued for one year; or
 - (iv) if such order gives permission to travel abroad for a period exceeding one year, and does not specify the validity of the passport, then the passport shall be issued for the period of travel abroad specified in the order.
- (b) any passport issued in terms of (a) (ii) and (a) (iii) above can be further renewed for one year at a time, provided the applicant has not travelled abroad for the period sanctioned by the court; and provided further that, in the meantime, the order of the court is not cancelled or modified;
- (c) any passport issued in terms of (a) (i) above can be further renewed only on the basis of a fresh court order specifying a further period of validity of the passport or specifying a period for travel abroad;
- (d) the said citizen shall give an undertaking in writing to the passport issuing authority that he shall, if required by the court concerned, appear before it at any time during the continuance in force of the passport so issued.

[No. VI/401/37/79]

L. K. PONAPPA, Jt. Secy. (CPV)

Printed by the Manager, Govt. of India Press, Ring Road, Maya Puri, New Delhi-110064 and Published by the Controller of Publications, Delhi-110054, 1993

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विशेष अधिकारी
प्राप्त करार, असाधारण विभाग,
मिनिस्टर ऑफिस, दिल्ली-54



Passport Issues

Q: How do I make/renew Passport during Criminal Cases?

1. This is what needs to be done:
2. File an application in your Trial Court (where 498A or other criminal case is running) requesting NOC (No Objection) from the Court.
3. File your application with affidavit including the reason you need it along with NOC process required by Passport Authority (Passport Application form has the same mentioned in it).
4. Don't assume that court would know the Passport process. Detail it as much as you can including that citizens get 10 years passport & that passport itself is not a guarantee to travel outside India and that it is pre-requisite to apply for visa (there are few countries where Indians have Visa on Arrival too).
5. There is no standard format for NOC. Court's order itself is NOC.
6. Generally, Court may ask for State AND/OR other party to respond to your application.



Passport Issues

7. Argue well on how is not having passport effecting your job and your liberty.
8. Use judgments of Maneka Gandhi vs. Union of India & even Amar Singh's / Sanjay Dutt's case of abroad travel during pendency of Criminals cases (all are Supreme Court cases) as citations.
9. If required, please argue yourself for this as you can do better job than your lawyer on this.
10. What all links you can use:
 - <https://www.facebook.com/photo.php?fbid=152324428298988>
 - http://passportindia.gov.in/AppOnlineProject/pdf/passports_act.pdf
 - <http://passportindia.gov.in/AppOnlineProject/online/faqPoliceVerification>
 - <http://judis.nic.in/supremecourt/imgst.aspx?filename=5154>
 - <http://indiankanoon.org/doc/1766147/>



Rape and POCSO



Rape and POSCO

Q: Rape Accused - Do I have a hope?

- 76% of Rape cases result in acquittal.
- There are specific directions from Delhi High Court to not arrest in case of Live-In Relationships converted to Rape.
- Promise of Marriage not being fulfilled is NOT Rape as per law. A false promise made intentionally, does come under Fraud played and hence covered under Rape.
- Justice is for those who fight for it.
- Maximum convictions in 376 are where confessions of accused are taken either forcibly or emotionally or under coercion of alleged victim.
- CAUTION: Police has no right to close an FIR. Only a Court with special powers can.
- Please ensure that victim's identity is NEVER disclosed. It is an offence.
- Like any other Criminal Proceedings, Rape cases are also fought on evidences, contradictions, unclean hands, intentional omissions and pointing the actual intent of the alleged victim.



Rape and POSCO

Q: What is Rape? What is new Rape Law

- Do you know that now a Rape case can be filed without a medical proving it?
- Do you know that as per the law, since you are a man, you can not be raped?
- New rape law says, inserting of any object or part of body into the private parts of a woman, is Rape.
- In the new Rape law, just the verbal statement can be the ground of conviction.
- Though lot of us stood with candles in Rape cases not thinking how a wrong law will effect us.
- People may still make faces hearing a Rape case, but adding Rape allegations in Matrimonial cases is the new trend.
- As per law, a women can even be raped by a Husband (in separation).



Rape and POSCO

Q: I am accused of 376 now, what to do?

- Don't delete / modify and start collating any and every evidence (communication, electronic or physical)
- Get the copy of the complaint immediately and any other document related to the complaint (e.g. MLC, if any)
- Apply for Anticipatory bail ASAP and be ready to go to Higher courts too as the path isn't easy in Lower courts.
- Apply for Stay on Arrest kind of interim relief to join the investigations.
- Do not communicate DIRECTLY or INDIRECTLY with alleged victim or witnesses of alleged victim.
- If arrested, get the charge sheet submitted ASAP and get Regular bail done.



Rape and POSCO

Q: POCSO - Basics - what to do?

- POCSO is becoming a new tool in Custody Fights.
- The understanding of this offence is to a level that almost everyone is immediately convicted in eyes of the society.
- Most of the cases are also found to be false but victim is way too innocent (child) for doubting. It is unfortunately, criminal minded women playing at the back.
- Fighting POCSO is slightly different from Rape as generally, you can not question the authenticity of the complainant (you can question the authenticity of complaint).
- Focus more on the point of identification and description of Accused and the alleged crime.



Sexual Harassment at Workplace



Sexual Harassment at Workplace

Q: Workplace Harassment - What it means

- Workplace harassment Act was passed in 2013.
- Though Men form over 70% of total workforce, they have been LEFT out in the Workplace harassment Act.
- Any women colleague, any Sales girl in your premise, any working girl in her workplace (workplace can be anywhere outside the office too) can file a case on you.
- Even the Central Administrative Tribunal has said that this Act is unconstitutional but still, India Inc. is living and paying for such a biased law.
- Most of the companies have even increased their Insurance cover to take care of such fake law suits arising of Workplace Harassment.
- Touch or No Touch, Gaze or No Gaze, Word or no Word, Message or even no Communication, the moment a working female feels harassed, she can file a case.

▪



Sexual Harassment at Workplace

Q: What should I know about Workplace Harassment?

- Once a complaint comes, it needs to be forwarded to ICC (Internal Complaint Committee). It is a body that every company needs to have now.
- ICC would do investigation and come to a decision.
- Alleged victim (only a female) can get paid leaves, can get the accused suspended till trial, can get him or her transferred to her convenience and also get financial and legal assistance free of cost to make her alleged case strong.
- If found guilty, ICC would forward the complaint and finding to the Police for filing case under IPC 509 - outraging the modesty of women or other sections, if required.
- If a case found to be false, there is a toothless misuse clause.
- ICC may or may not share the details of investigation with the accused.

Sexual Harassment at Workplace

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Q: Dos and Donts - Workplace Harassment?

1. Avoid “Chivalry”. Opening doors may also be taken as your attempt to hit on to your female colleague.
2. Avoid being with a female employee alone EVER and that too without CCTV (working) being around. Doesn't matter if you are reporting to her or if she is reporting to you.
3. Do not allow female sales girls inside the house at all even if you want the product really.
4. Don't use any slangs even with female colleague friends.
5. Avoid carpool, lifts, shared cabs with the women employee (especially with whom you closely work)
6. Do Appraisal, performance feedback sessions, interview of women employees in presence of Cameras or someone from HRD

Sexual Harassment at Workplace

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Q: Dos and Donts - Workplace Harassment? CONT...

7. Avoid picking/dropping women during office parties/outings
8. Avoid BPD, NPD, Sycophantic, 498A women in your teams/companies.
9. At your workplace / offices / shops, please install CCTVs and keep records for lifetime as you can be accused of such an act even after 20-25 years.



Sexual Harassment at Workplace

Q: Workplace harassment, how to fight?

- Enroll people from your team, friends who can take a stand for you
- Gather as much evidences as you can and present your case well
- See if there is a past history attached to the concerned women (e.g. Such case earlier, false 498A case etc.)
- Apply for AB in case matter goes out to police
- Electronic evidences would be your savior. Don't loose emails, Don't loose messages, FB, SMS, any professional track record.
- Do not resign. Running away is not the answer. Your background checks in future companies would reveal all this.
- Money is not the answer. Fighting is. Remember, if you loose to one, every female colleague of you knows, how to USE you.



Sexual Harassment at Workplace

Q: Why are Men's Right not so ignored / effective / well known

- Priorities: Victims can travel 2000 kms for their case, but don't travel 20 kms for cause.
- Men don't support men
- Lack of Vision: Focus on Cases (not Law) or Cause.
- Men Don't Spend time/bandwidth in fighting the "Laws"
- Men are too Shy
- Common People think chances of Divorce or such cases in their Marriage is 0% in their Life time, like you used to think.
- Men are so loaded with responsibilities that they become activists in court rooms but once out of court date, they are EMI paying, Feeding hand of the families.



8882 498 498

HELP LINE FOR MEN