

To,
Shri Gautam Kumar,
Deputy Secretary,
Rajya Sabha Secretariat,
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Date: 31st October 2022

MEMORANDUM: Critical Submissions to the Hon'ble Committee on "Review of Personal Laws".

Respected Committee Members through the Hon'ble Deputy Secretary, Shri Gautam Kumar,

We bring to your kind notice that every citizen & the Law of India are bound by the Constitution of India, which talks about both, rights, and responsibilities.

When it comes to Individual's choice and Liberty Article 21 and 14 of the Constitution of India, are the basic foundations. If any Law does not respect these it leads to an unfair Law which leads to disharmony in the society. An unfair law can't bring fairness to any society. It leads to more hate, mistrust, injustice, violence & can even lead grave crimes like Murder or even Suicides.

There was a time when there was no marriage system or personal law and humans used to live without any rules. As the society evolved with time, humans make their own rules, which later got converted to law. The basic foundation is that a person cannot be allowed to take advantages of his/her own wrongs.

Constitution of India too uses word 'Person' or 'Citizen' and not 'man', 'woman' or 'husband', 'wife'. While various unfair laws are made with word like 'man', 'woman' or 'husband', 'wife', which leads to very stress full life in marriage or gender-based relations. This has resulted in more and more disputes, violence, suicides.

We wish to hereby bring your kind attention to following critical overhaul needed and request your acceptance of these as art of your recommendations. **With this memorandum, we hereby also seek an opportunity to submit orally to this esteemed committee about our submissions in details and how the definition of "Justice" can be reformed to its true sense:**

1. **Marriage Act:** Registration of Marriage must be made mandatory for any party to use any of the matrimonial laws (e.g. Hindu Marriage Act, Guardians and Wards Act, Hindu Adoption and Maintenance Act, Hindu Minority and Guardianship Act, Domestic Violence Act, IPC 498A, Bigamy laws, Maintenance Laws etc. etc.). This will also help the Legal System to iron out the cases of marriage frauds or even no marriage, being posed as a married couple. It will directly improve the efficiency of the Justice System.
2. **Right & Responsibility:** There must be some basic listed rights and responsibility for the couple. Anyone violating that must be liable as a punishable offence under Civil law.
3. **Exchange of Assets related to marriage:** When marriage happens, spouses bring some assets (movable or immovable) along with themselves. There is a specific law for '*Streedhan*' but there is no law (or even a term) '*Purushdhan*'. Every marriage must have a list of '*Streedhan*' or '*Purushdhan*' at the time of marriage registration. Without a certified copy of this list no such claim should be entertained.
4. **Pre-Nuptial Agreement (Optional):** Marriages are not lifelong. There can be situation where one party may not be happy with marriage relation on that case if any pre-nuptial agreement made during registration of marriage, it should be made legally acceptable as separation terms and condition without any unnecessary litigation or need of any additional agreement.

5. Maintenance & Alimony:

- Currently, there are multiple laws w.r.t. Maintenance of Wife. The laws must be clubbed as a single law to reduce the burden on the justice system.
- The word Husband/Wife must be replaced by the word spouse in Maintenance or Alimony Laws.
- Any interim Maintenance order should not be valid for more than Six Months. This will also push the justice system to decide the cases in a time-bound manner.
- The Defaulting Party (proven in Court) should NOT be allowed to get any benefit of maintenance or alimony.
- Final alimony must be linked with the duration of marriage.

6. No fault Divorce: Introduction of no-fault divorce is a must. It must not be linked with any condition or any asset claim or any maintenance or alimony (whatsoever).

7. Child Custody & Child Support: It's time to look at the issue from a child welfare point of view and not from a wife's or husband's point of view. A child must have the right to have access to both parents as a default law. Responsibility of Child support must be on both parents, it should not only on husband.

8. Property & assets ownership: Whoever earned his/her asset/property by his/her hard work or received gift, other partner should not have any claim over it. There should be clear definition of what personal Property/assets are and what matrimonial assets/property is. Example on how it is treated across other countries is attached a detailed research work for your ready reference in this [LINK](#).

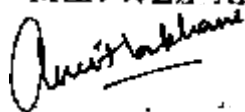
9. Protection of Elder's Rights: None should have the right to stay on their property without their consent and will. Biggest reason for Elder Abuse in India is to grab their hard-earned assets or property. Division of their assets or property must be as per their registered will. Registration of Will must be made an easy online process.

10. Marriage is a civil agreement between parties. Any disputes must be resolved under civil law only. Criminal laws like Dowry Prohibition Act or IPC 498A must be removed and any offence must be resolved under Domestic Violence Act, **which should be gender neutral**. Globally, the Domestic Violence Act is gender neutral.

We would also like to appear before your committee for presentation of every issue to make a fair law where Men and Women can lead a dignified life without being a burden on other.

Men Welfare Trust (Regd. NGO) is part of Save Indian Family (SIF) Movement which is the biggest representative of Men's Rights Movement of India. SIF is a conglomerate of over 40 NGOs across India & Abroad, working tirelessly for Men's Rights in India. SIF has been working for Empowerment of Men at Legal, Policy, Health, Govt. Budgeting level. SIF conducts weekly Support group meetings at over 30 places in India, 5 places outside India. In addition, SIF also runs multiple Websites, Blogs, Email support groups and First Aid Support groups to help and support Indian men and boys. SIF runs the world's largest Private Helpline for Men in Distress, "SIF One", which gets over 6000 calls every month. SIF One Android Mobile app also allows Men/Boys in distress to connect and get help.

For
Yours Truly, **MEN WELFARE TRUST (Regd.)**



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