



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

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

Respected Chairperson, Shri Sushil Modiji, Respected Committee Members, through the Hon'ble Deputy Secretary, Shri Gautam Kumar ji,

Save Family Foundation (SFF) is an NGO based in Delhi. We work jointly with 40 more NGOs across India to run the Men's Rights Movement of India. We also jointly run a helpline nationally, which is manned by 100 of our volunteers, handling about 200 calls everyday from Men in distress.

It is pertinent to add that SFF has deposed earlier too orally to earlier Rajya Sabha Committees on IPC 498A and other issues that affect men directly.

With this memorandum we wish to submit and request your kind permission to allow us an oral submission on our below major concerns, which the committee is requested to adopt to bring peace and harmony in family unit of India.

When it comes to Personal Laws, it would not be justified only to dwell into laws related to Marriage and Divorce as there are many other existing laws that define the peace, harmony and very existence of a family, as a unit.

Hence, we would wish to bring following specific laws which need immediate amendment as they directly effect the life of every individual in a family.

S. No.	Law & Subsection	Amendment Sought	Grounds
1	Hindu Marriage Act Section 24	Any maintenance granted under HMA24 must be maximum for 6 months	Maintenance laws have become a tool of Legal Extortion where endless interim orders incentivize running of cases for long, with no intention from maintained party or the courts to finish the case.
2	Hindu Marriage Act Section 25	No Monthly Maintenance and only one-time settlement, linked closely with the duration of marriage & the conduct of the parties	When any dispute under any law ends with a final order/compensation, a monthly maintenance makes the dispute continue, even after a court decision.
3	Hindu Minority and Guardianship Act Section 6(a)	This subsection must be scrapped	By giving custody of a child "ordinarily" (treated more as default in the courts) to mother, grave injustice and alienation of fathers has been done for many years. It is very important that either of the parents MUST have EQUAL rights & RESPONSIBILITIES towards the child. Giving mother all the Rights while giving father all the responsibilities is highly unfair and completely UNCONSTITUTIONAL as it discriminates against fathers based on gender (violation of Article 14) and discriminated against the child (violation of child development based on both parents).
4	Protection of Women from Domestic Violence Act 2005 & 2006 Section 21	Must be Scrapped	Custody of Child on Interim or Final basis cannot be decided merely on the fact that who is an aggrieved person and who is the respondent as this is just decided based on who has announced the court case and who is defending. This section is against the basic HUMAN RIGHTS of child where their custody is decided just based on who goes to the court first. Child custody is not a matter of race. A gender biased Domestic Violence deprives fathers from this race by default.

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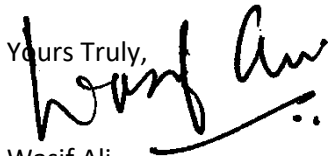
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5	Criminal Procedure Code Section 125	Must be Scrapped	It is a gender biased law, which is under direction violation of Article 14, thus making it UNCONSTITUTIONAL. Any defence of Article 15(3) is WRONG as it only allowed making of Provisions and not LAWS.
6	Protection of Women from Domestic Violence Act 2005 & 2006 Section 1(1), Section 2(a) Section 2(q)	Sections 1(1) & 2(a) to be amended to cover every spouse as victim of Domestic Violence. Section 2(q) to be amended to make any person as Respondent, who is/was in Domestic Relationship with the Victim.	Globally, Domestic Violence Act provides protection to either of the partners. India is left far behind on adopting the gender-neutral practices. As per the CDC report , 1 in 3 men have experienced Intimate Partner Violence including sexual violence. Since, NHFS denied collecting data on Crime Against Men, we are forced to refer global data.
7	Protection of Women from Domestic Violence Act 2005 & 2006 Section 2(q)	Domestic Violence act needs to keep only Marriage and relationships which are the result of a marriage. "Marriage Like" relationship must be kept out of the Act.	Societies which loose sanctity of marriage may consider marriage same as marriage like relationship, but it is not correct in context of India's family system. Like every other relationship e.g. room partners, existing laws of Physical, Sexual, Financial, Emotional crime provide protection to partners.
8	Indian Penal Code Section 498A	Must be Scrapped	The Rajya Sabha Committee, Justice Malimath Committee, Home Affairs Committee, Hon'ble Supreme Court have multiple times raised concern of how IPC 498A has become a Legal Terrorism. Since any kind of abuse is covered under the Domestic Violence Act and Dowry related crimes are covered under Dowry Prohibition Act, IPC 498A is a clear case of Double Jeopardy, thus making it UNCONSTITUTIONAL.
9	<ul style="list-style-type: none">Criminal Procedure Code, Section 125Protection of Women from Domestic Violence Act 2005 & 2006, Section 20 & Section 22Hindu Marriage Act, Section 24 & Section 25Hindu Adoption and Maintenance Act, Section 18	There needs to be a SINGLE, GENDER-NEUTRAL Maintenance Law in India.	Hon'ble Supreme Courts has multiple times written to Central Government about the pendency of cases because of number of cases. Hon'ble Law Minister of India has expressed concern on the delay in justice because of long court battles. NJDG publishes data of pending cases as 4 crores 27 lakhs 34 thousand 3 hundred and 19 as on 31/Oct/2022. Do our courts deserve to be loaded with 4 cases, between same parties, demanding same outcome?

Requesting your kind permission to depose in front of this august committee orally and in-person.

Thanking you for taking our submissions on record.

Yours Truly,


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