



**MEN
WELFARE
TRUST**
(Regd.)



**SAVE FAMILY
FOUNDATION**
(Regd.)

www.saveindianfamily.in

SIF One: Helpline for Men

8882 498 498

To,
The Department of Home Affairs,
Australia.

Date: 30th Nov 2020

SUBJECT: Joint Submission by MWT, SFF on the Ground Reality of Anti-Dowry Law of India

Dear Law Makers of Australia,

Men Welfare Trust (MWT) and Save Family Foundation (SFF) are registered NGOs who have been working on ground in India on various subjects which effect the life & liberty of Men in India and fight for constitutional rights of men. We, work towards reminding the society and the Law makers in India about the Gender Neutrality imparted by the Constitution of India (Article 14, Article 15) as a Fundamental Right. Though the effect of Feminism pushes the law-making process in India, more and more Anti-Men, we wish to submit to you why similar mistakes must be avoided in your country.

As we understand, Australia is working on an Anti- Dowry Law (in India, referred as tone of the most notorious Indian Penal Code, IPC 498A). We hereby request you to kindly consider these:

OBSERVATIONS BY VARIOUS COURTS IN INDIA about IPC 498A:

Date	Court	Judgment	Court's Observations
Tuesday, July 19, 2005	Supreme Court of India	Sushil Kumar Sharma vs Union Of India And Ors	Merely because the provision is constitutional and intra vires, does not give a licence to unscrupulous persons to wreck personal vendetta or unleash harassment. It may, therefore, become necessary for the legislature to find out ways how the makers of frivolous complaints or allegations can be appropriately dealt with. Till then the Courts have to take care of the situation within the existing frame work. As noted the object is to strike at the roots of dowry menace. But by misuse of the provision a new legal terrorism can be unleashed. The provision is intended to be used a shield and not assassins' weapon. If cry of "wolf" is made too often as a prank assistance and protection may not be available when the actual "wolf" appears.
Friday, August 13, 2010	Supreme Court of India	Preeti Gupta & Anr vs State Of Jharkhand & Anr	The criminal trials lead to immense sufferings for all concerned. Even ultimate acquittal in the trial may also not be able to wipe out the deep scars of suffering of ignominy. Unfortunately a large number of these complaints have not only flooded the courts but also have led to enormous social unrest affecting peace, harmony and happiness of the society. It is high time that the legislature must take into consideration the pragmatic realities and make suitable changes in the existing law. It is imperative for the legislature to take into consideration the informed public opinion and the pragmatic realities in consideration and make necessary changes in the relevant provisions of law. We direct the Registry to send a copy of this judgment to the Law Commission and to the Union Law Secretary, Government of India who may place it before the Hon'ble Minister for Law & Justice to take appropriate steps in the larger interest of the society.

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Wednesday, July 2, 2014	Supreme Court of India	Arnesh Kumar vs State Of Bihar & Anr	The fact that Section 498-A is a cognizable and non-bailable offence has lent it a dubious place of pride amongst the provisions that are used as weapons rather than shield by disgruntled wives. The simplest way to harass is to get the husband and his relatives arrested under this provision. In a quite number of cases, bed-ridden grand-fathers and grand-mothers of the husbands, their sisters living abroad for decades are arrested. "Crime in India 2012 Statistics" published by National Crime Records Bureau, Ministry of Home Affairs shows arrest of 1,97,762 persons all over India during the year 2012 for offence under Section 498-A of the IPC, 9.4% more than the year 2011. Nearly a quarter of those arrested under this provision in 2012 were women i.e. 47,951 which depicts that mothers and sisters of the husbands were liberally included in their arrest net. Its share is 6% out of the total persons arrested under the crimes committed under Indian Penal Code. It accounts for 4.5% of total crimes committed under different sections of penal code, more than any other crimes excepting theft and hurt. The rate of charge-sheeting in cases under Section 498A, IPC is as high as 93.6%, while the conviction rate is only 15%, which is lowest across all heads.
Thursday, July 27, 2017	Supreme Court of India	Rajesh Sharma vs The State Of Uttar Pradesh	We have already referred to some of the statistics from the Crime Records Bureau. This Court had earlier noticed the fact that most of such complaints are filed in the heat of the moment over trivial issues. Many of such complaints are not bona fide. At the time of filing of the complaint, implications and consequences are not visualized. At times such complaints lead to uncalled for harassment not only to the accused but also to the complainant. Uncalled for arrest may ruin the chances of settlement. This Court had earlier observed that a serious review of the provision was warranted.
Monday, May 19, 2003	Delhi High Court	Savitri Devi vs Ramesh Chand And Ors.	Neither such an act or conduct has the effect of driving the woman to commit suicide nor of causing grave injury nor, is likely to cause danger to life or limb nor did it amount to tormenting her either physically or mentally to compel or force her or her relatives to fulfill the demands of any property or valuable security. For the foregoing reasons, the petition is highly misconceived and is being used as a tool to hold the entire household to ransom and jeopardy.

OBSERVATIONS MADE BY VARIOUS COMMITTEES SETUP UNDER GOVERNMENT OF INDIA:

Date	Report Name	Observations
March 2003	Committee on Reforms of Criminal Justice System Government of India, Ministry of Home Affairs Link	There is a general complaint that section 498A of the IPC regarding cruelty by the husband or his relatives is subjected to gross misuse and many times operates against the interest of the wife herself. This offence is non-bailable and non-compoundable. Hence husband and other members of the family are arrested and can be behind the bars which may result in husband losing his job. Even if the wife is willing to condone and forgive the lapse of the husband and live in matrimony, this provision comes in the way of spouses returning to the matrimonial home. This hardship can be avoided by making the offence bailable and compoundable.
September 2011	RAJYA SABHA COMMITTEE ON PETITIONS 140 th REPORT Link	Having recommended that the offence under Section 498A of IPC should continue to be cognizable and non-bailable, the Committee strongly recommends that the ill-effects and misuse of the present legal provisions is also checked. The Committee fears that failure to do so might leave no option except to dilute the law by making the same noncognizable and



		bailable. In this context, the Committee recommends certain additional measures as contained in the succeeding paragraphs.																																										
August 2012	GOVERNMENT OF INDIA LAW COMMISSION OF INDIA Section 498A IPC Report No.243 Link	<p>Broad Analysis of 474 replies to questionnaire on Section 498-A IPC regarding bailability</p> <table border="1"> <thead> <tr> <th></th> <th>Individuals*</th> <th>Organisations/ Institutions**</th> <th>Government Officials</th> <th>Officials/ Judicial officials</th> <th>Grand Total</th> </tr> </thead> <tbody> <tr> <td>Bailable</td> <td>83</td> <td>14</td> <td>3</td> <td>100</td> <td>200</td> </tr> <tr> <td>Non-Bailable</td> <td>4</td> <td>5</td> <td>8</td> <td>109</td> <td>126</td> </tr> <tr> <td>Partial bailable</td> <td>3</td> <td>3</td> <td>1</td> <td>23</td> <td>30</td> </tr> <tr> <td>Repeal</td> <td>74</td> <td>0</td> <td>1</td> <td>1</td> <td>76</td> </tr> <tr> <td>No Comments</td> <td>29</td> <td>2</td> <td>0</td> <td>11</td> <td>42</td> </tr> <tr> <td>Total</td> <td>193</td> <td>24</td> <td>13</td> <td>244</td> <td>474</td> </tr> </tbody> </table> <p>* Two NRIs ** One organization from USA</p>		Individuals*	Organisations/ Institutions**	Government Officials	Officials/ Judicial officials	Grand Total	Bailable	83	14	3	100	200	Non-Bailable	4	5	8	109	126	Partial bailable	3	3	1	23	30	Repeal	74	0	1	1	76	No Comments	29	2	0	11	42	Total	193	24	13	244	474
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Infact, we wish to bring to your notice that IPC 498A, is one of the most abused Law of India, as publicly said by many of the Hon'ble Supreme Court judges of India. It has unleashed an era of **LEGAL TERRORISM**, with huge number of arrests, legal extortion of families, and has finally resulted into making Marriage a big risk for Indian Men. As a result, we are witnessing a gradual breaking on the Social Fabric and the Family System of India.

Most of the Feminist groups are behind the popular HOAX that IPC 498A, suffers the **LOWEST CONVICTION RATE**, amongst the various Major Crimes in India (mere 12%) is because of inability of Police and Courts. THIS IS A LIE. The same is clearly visible by the conviction rates that the same Police and Courts are able to give in case of IPC 302 (Murder) – As per National Crime Records Bureau (NCRB) of India.

Conviction Rate Crime Head	2014	2015	2016	2017	2018	2019	Average of 6 Years
Murder (IPC 302)	39.1%	39.5%	38.5%	43.1%	41.4%	41.9%	40.6%
Anti Dowry Law (IPC 498A)	13.7%	14.2%	12.2%	15.9%	13%	14.6%	13.9%

As per the data from the Ministry of Home Affairs, Government of India (NCRB), the same Police and Courts, which are conveniently termed incompetent by Feminists forces, deliver 26.7% Higher Conviction in case of IPC 302 (Murder), as against mere 13.9% Conviction rate in case of IPC 498A. This clearly shows the gamut and the extent of the problem of Misuse of the Anti-Dowry Law of India.

The Misuse has destroyed families, society and the institution of Marriage in India.

We request you not to experiment the same in Australia, which even today, is known for its Gender Neutrality and unbiased Law-Making Process.



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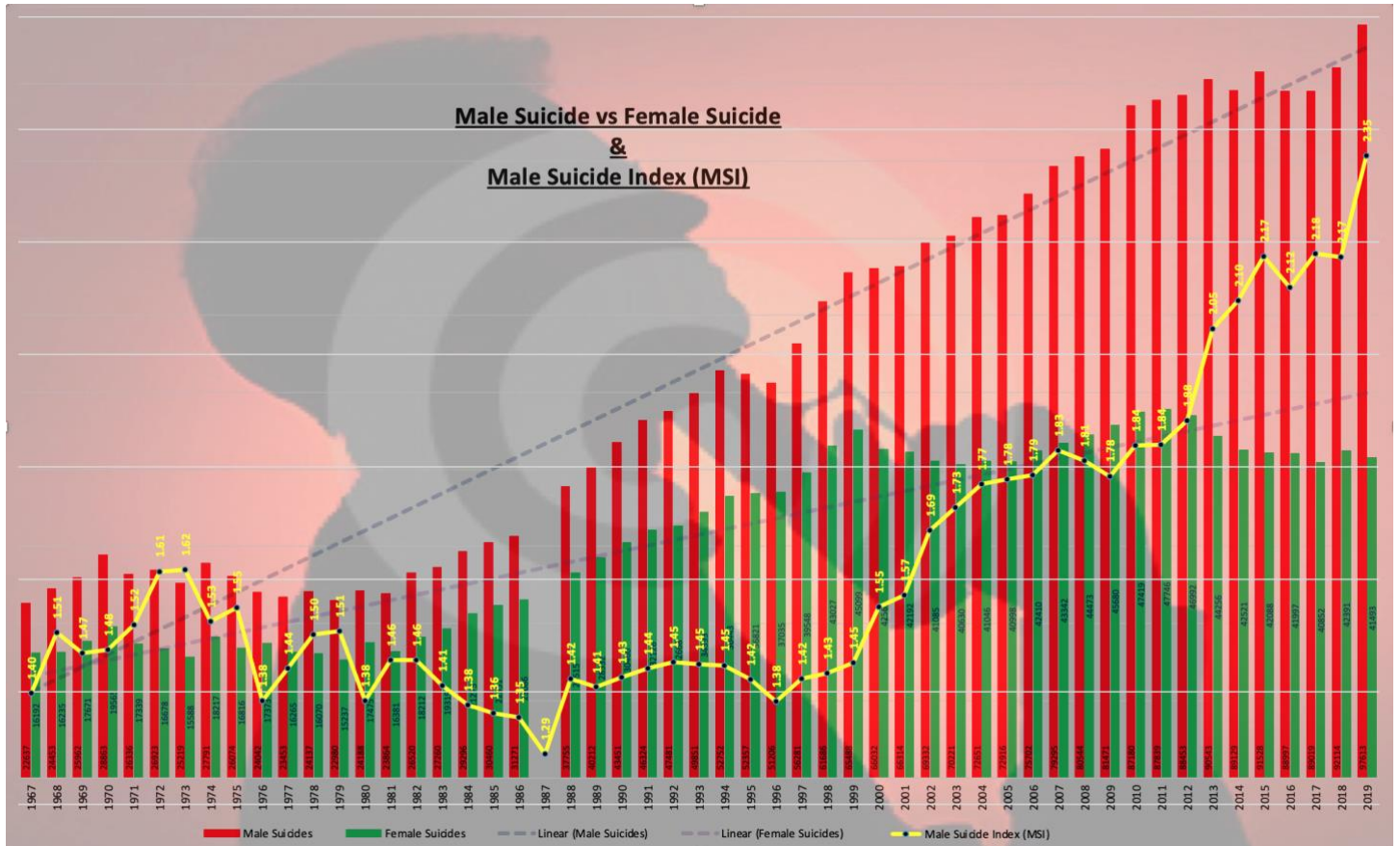
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Laws like IPC 498A, happen to be one of the biggest reasons of Suicides in India, amongst Men. Below is a graph which plots the number of suicides in India from 1967 till 2019 (as available from NCRB data). IPC 498A came into existence in 1983 the sharp rise in the Male Suicides in India can be observed. Though, the steep rise cannot be attributed only to IPC 498A, but this law definitely had a strong detrimental effect in survival of Men, is clearly visible. It is important to note that as per the NCRB data, the biggest reason for Suicides in India, is FAMILY ISSUES & not Financial/Medical Issues:



As a final submission, we both are responsible NGOs, who are representing the sides of Men across various forums, courts, Government Committees. SFF on one hand has represented in-person, the plight of men, amongst various Government Committees, including the ones mentioned above. SFF has also found its mention in Court Judgments as Crusader against Legal Terrorism. MWT, on the other hand has been working relentlessly on the Legal front while representing the side of Men in PILs (Public Interest Litigation) in Delhi High Court.

We humbly Pray to the Committee to not repeat our mistakes. Result was Millions of Suicides, Breakage of the Social Fabric of the Country and Ending the Institution of Marriage by Unleashing the havoc of Legal Terrorism on Men. **Please, do not bring any new law in any form, whatsoever.** Current laws are enough to cover any complaints regarding any illegal demand by anyone, including spouses.

If allowed, we would like to make video call based, in-person presentation too to the Hon'ble Committee.

Best Regards,

Men Welfare Trust

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