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**SAVE FAMILY
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SIF One: Helpline for Men

8882 498 498

Date: 15th January 2021

To,
Shri Rajendra Bhagwat,
Secretary – Maharashtra Legislature Secretariat,
Vidhan Bhavan,
Backbay Reclamation, Mumbai 400032.

SUBJECT: STRONG & CLAUSE WISE OBJECTION TO SHAKTI CRIMINAL LAWS ACT. PRAYING IMMEDIATE WITHDRAWAL OF THE PROPOSED ACT.

Dear Sir,

We hereby write to you to submit our clause wise STRONG OBJECTION & Rebuttal to the “Shakti Criminal Laws (Maharashtra Amendment) Act, 2000” (referred as “proposed act”).

The Draft Bill is highly draconian, duplicate of existing provisions and also with intent to make the other Crime Justice more and more difficult for the citizens of Maharashtra State.

India is already suffering with the heavy attack of Gender Biased Laws and Feminist driven Misandry. Innocent Men are ending lives or are entangled in series of litigation, just because the acts, already in place were drafted in similar manner, just to appease feminists. We are sorry to say, but this process has costed many many lives in India. Today, we stand at blood filled number of over 95000 Suicides of Men every year (as per NCRB data). Every 4+ minutes, a man ends his life and Family reasons happen to be the biggest reason officially. Such a pressure on innocent men because of misuse of similar, easy to misuse, Gender Biased Laws, has costed India it’s reputation. Now, we are known as the Suicide Capital of the world.

While we have mentioned our strong objections to the various clauses of the proposed Act, we wish to just remark few very important things, as per the available data, which is most relevant.

Firstly, the data in itself:

NCRB Year	IPC 326A			IPC 354			IPC 376			CAW Conviction Rate	
	India		MH	India		MH	India		MH	India	MH
	#	Conviction	#	#	Conviction	#	#	Conviction	#		
2019	150	54.2%	7	88367	27.8%	10472	32033	26.9%	2299	23.7%	13.7%
2018	131	65.4%	5	89097	26.4%	10835	33356	27.2%	2142	23.1%	13.2%
2017	148	35.0%	2	86001	27.8%	9392	32559	32.2%	1933	24.6%	12.1%
2016	206	37.0%	2	84746	21.8%	11396	38947	25.5%	4189	18.9%	11.2%
2015				82422	27.7%	11713	34651	26.4%	4144	26.9%	6.5%

Secondly, the inference:

- The Conviction rate of Maharashtra has been about 60% lesser than the national average of conviction rate in case of Crime Against Women cases. THIS MEANS THAT THE TENDENCY AND POSSIBILITY OF FILING A FALSE CASE UNDER “CRIME AGAINST WOMEN” HEAD, IS MUCH EASIER THAN IN THE REST OF INDIA. Thus, this Act just opens the pandora’s box of false cases even more, if done in Maharashtra.
- The number of cases of IPC 326A in Maharashtra, have been less than 20 cases over past 4 years (as per NCRB). There seems to be no logical or empirical reasoning of why IPC 326A or IPC 326B are part of the proposed Act.

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- IPC 354 is so easily misused that it is filed much more easily (and without repercussions of filing a false case). This is clearly visible looking at the gap or number of cases of IPC 376 vs IPC 354. So, any law, which needs proper evidence like Acid Attack or even Rape is misused in lesser absolute numbers (though same %) than IPC 354. By covering IPC 354 in the proposed Act, the Government is making the lives of men even more difficult in the state of Maharashtra.
- It is also important to note that where Maharashtra accounts for 2.7% of total crimes registered in India for Acid Attack, 5.9% of the total crimes registered in India for Rape, it accounts for whopping 12.5% of the cases registered under IPC 354. This indeed clearly shows that for a law i.e. IPC 354, which has average 26% conviction rate (other cases not found liable for conviction), Maharashtra comes out as a state with higher number of cases (thus false cases). No Wonder there is a clear push from the feminist lobby to include IPC 354 into the proposed Act.

CLAUSE WISE OBJECTION TO SHAKTI CRIMINAL LAWS (MAHARASHTRA AMENDMENT) ACT, 2020

CHAPTER	SECTION	BILL TEXT	OBJECTION
AMENDMENTS TO THE INDIAN PENAL CODE	2 (2)	<i>after clause 1, the following clause shall be added, namely:- “(d) deliberately fails to obey the specific directions given by the police officer in the investigation of offences punishable under section 326A, section 326B, section 376, section 376A, section 376AB, section 376B, section 376C, section 376D, section 376DA, section 376DB or section 376E, as required under section 100 of the Criminal Procedure Code, 1973.”.</i>	STRONG OBJECTION. MUST NOT BE IMPLEMENTED. There are existing Service rules, fines, penalties applicable on any government officer who doesn't comply to specific directions of investigating officers, especially in case of Criminal Matters. This clause effectively reduces the seriousness of other IPC crimes for a public servant.
AMENDMENTS TO THE INDIAN PENAL CODE	3	<i>After section 175 of the Penal Code, the following section shall be inserted, namely :— “175A. Notwithstanding anything contained in any law for time being in force, any social media platform or internet or mobile telephony data provider including any intermediary or custodian who fails to share any data including document or electronic record with the Investigation Officer as requested, for the purpose of investigation of offence punishable under section 326A, section 326B, section 354, section 354A, section 354B, section 354C, section 354D, section 354E, section 376, section 376A, section 376AB, section 376B, section 376C, section 376D, section 376DA, section 376DB or section 376E, within a period of seven working days from receiving request shall be punished with simple imprisonment for a term which may extend to one month or a fine of five lakh rupees, or with both.”.</i>	STRONG OBJECTION. MUST NOT BE IMPLEMENTED. Unfortunately, seriousness of every other criminal investigation is being undermined by insertion of this clause, since IPC 175 fines the culprit, in this section, only INR 5000 at max, a fine of five lakh is being imposed as per proposed 175A. With such draconian provision, whoever, legally bound to produce such records, will also have to put matters of even National Security or heinous crimes like Murder, Child Trafficking etc. at bay to first save their fine of Five Lakh, only applicable to few sections of IPC. This may result to many attacks on Nation, People, Property, which could have been avoided, to actually happen since priority has been given to certain sections of IPC only. It is even more serious objection that sections like 354 IPC have also been included in this,



			when it being used as a common tool to harass men every day.
AMENDMENTS TO THE INDIAN PENAL CODE	4	<p><i>After section 182 of the Penal Code, the following section shall be inserted, namely :-</i></p> <p>—</p> <p><i>“182A. Any person, who makes false complaint or provides false information against any person, in respect of an offence punishable under section 326A, section 326B, section 354, section 354A, section 354B, section 354C, section 354D, section 354E, section 376, section 376A, section 376AB, section 376B, section 376C, section 376D, section 376DA, section 376DB or section 376E, solely with the intention to humiliate, extort, threaten, defame or harass, shall be punished with simple imprisonment for a term which may extend to one year or with fine, or with both.”.</i></p>	NEEDS AMENDMENT. A welcome step to include the possibility of False Cases, which currently, is happening at a rampant pace, for which various courts have raised serious concerns. Same was also highlighted in various Standing Committee reports, Law Commission Reports and Rajya Sabha Committee reports as well. Though, it is very unfair that a false case/complaint under these sections will carry a such a light punishment, while the actual crime punishment is so high. This gap of punishment in True vs False cases, is not an effective deterrent and is a toothless tiger. It is infact, more important to empower the Police Force and Government officers with ability to use IPC 182 more effectively, which they currently cant and don't.
AMENDMENTS TO THE INDIAN PENAL CODE	5	<p><i>In section 228A of the Penal Code, in sub-section (1), for the portion beginning with the words, figures and letter “section 376, section 376A” and ending with the word, figures and letter “section 376E”, the following shall be substituted, namely :—</i></p> <p><i>“section 326A, section 326B, section 354, section 354A, section 354B, section 354C, section 354D, section 354E, section 376, section 376A, section 376AB, section 376B, section 376C, section 376D, section 376DA, section 376DB or section 376E”.</i></p>	<p>STRONG OBJECTION. MUST NOT BE IMPLEMENTED.</p> <p>On one hand, the draft is cautious about the possibility of fake complaints and even carries punishment for the same (though toothless in current draft), but the same draft asks for this amendment to not disclose identity of alleged victim in Sexual harassment cases and acid attacks too? IPC 354 has become the new tool in the hands of potential misusers to destroy lives of innocent men, still this amendment protects the identity of such an easy to misuse law while the identity of the accused is openly disclosed, WHICH IS A CLEAR VIOLATION OF THE HUMAN RIGHTS OF THE ACCUSED viz-a-viz A CONVICT.</p>
AMENDMENTS TO THE INDIAN PENAL CODE	6	<p><i>In section 326A of the Penal Code,—</i></p> <p><i>(2) for the portion beginning with the words “shall be punished with imprisonment” and ending with the words “and with fine”, the following shall be substituted, namely :-</i></p> <p><i>“shall be punished,—</i></p> <p><i>(a) with imprisonment for a term which shall not be less than ten years but which may</i></p>	<p>STRONG OBJECTION. MUST NOT BE IMPLEMENTED.</p> <p>The Current law, in itself provides the term for life, in case of aggravated attacks.</p> <p>With such amendments, law makers are effectively making even Murder a less heinous crime than Acid Attack.</p>



		<i>extend to the remainder of the natural life of such person and with fine; or (b) in cases which have the characteristic of the offence is heinous in nature and where adequate conclusive evidence is there and the circumstances warrant exemplary punishment, with death”;</i>	
AMENDMENTS TO THE INDIAN PENAL CODE	7	<i>In section 326B of the Penal Code, for the portion beginning with the words “shall be punished with imprisonment” and ending with the words “extend to seven years,”, the following shall be substituted, namely :- “shall be punished with imprisonment for a term which shall not be less than seven years but which may extend to ten years,”.</i>	STRONG OBJECTION. MUST NOT BE IMPLEMENTED. There seems to an unannounced race between law makers to keep increasing the term of punishment for only gender biased laws while there is no change in the punishment of heinous crimes like Murder, Terrorism etc. By this, law makers are presenting a very bad image of our country, as if, gender crimes only happen in India. For other crimes, India looks so easy as no one discusses if those crimes need any amendment in punishment.
AMENDMENTS TO THE INDIAN PENAL CODE	8	<i>After section 354D of the Penal Code, the following section shall be inserted, namely :— “354E. Whoever intentionally does any act to create a sense of danger, intimidation or fear to a woman, in addition to insulting her modesty, by any act, deed or words including,— (a) offensive communication by telephone, email, social media platform or through any other electronic or digital mode of communication in a manner which is of lascivious or lewd nature; or (b) threat to upload or disseminates any sound or video file including a real or fabricated depiction of any part of the body of that woman including the involvement of that woman in any sexual act through electronic or any other form of media; or I use of social electronic media or any other media in any form to defame or cause disrepute to that woman; or (d) use of that woman’s name, particulars, photographs or any other means of identification to directly or indirectly outrage her modesty or violate her privacy, shall be punished with imprisonment of either description for a term which may</i>	STRONG OBJECTION. MUST NOT BE IMPLEMENTED. This section is just doing minute dissection of the offences, already covered under IPC 354D or IPC 354E as both these sections (along with other IPC 354), post 2013 amendment, very well cover the electronic forms of Stalking, Voyeurism and Sexual Harassment. Thus, by introduction of IPC 354E, the Bill is just proposing, “double jeopardy”, which is unconstitutional.



		<i>extend to two years and with fine which may extend up to one lakh rupees.”.</i>	
AMENDMENTS TO THE INDIAN PENAL CODE	9 (a)	<i>In section 376 of the Penal Code,- (a) in sub-section (1), after the words “shall also be liable to fine” the words “or in cases which have the characteristic of offence is heinous in nature and where adequate conclusive evidence is there and the circumstances warrant exemplary punishment, with death” shall be added;</i>	STRONG OBJECTION. MUST NOT BE IMPLEMENTED. This itself shows the vagueness with which such a draconian bill has been drafted. The vagueness of the amendment, even if assumed in the right spirit, is already covered in IPC 376A. This Amendment again brings in the unconstitutional <i>double jeopardy</i> .
AMENDMENTS TO THE INDIAN PENAL CODE	9 (b) (i)	<i>In section 376 of the Penal Code,- (b) in sub-section (2),— (i) after clause (f), the following clause shall be inserted, namely :— “(f-1) being on the management or employed by the management including staff or contractual employee for the purpose of providing security and maintenance of building or any public utility service inside building or within building complex whether regulated by law or otherwise, commits rape on a woman in such area; or”;</i>	STRONG OBJECTION. MUST NOT BE IMPLEMENTED. This again shows the open to misuse and clear unconstitutional <i>double jeopardy</i> of the bill. Subsection (2) of IPC 376, doesn't put any bar on the relation of the accused-victim or the place of crime. Draft just picks wording from the “Protection of Women from Sexual Harassment at Workplace” Act and includes in IPC 376, which is completely unwarranted.
AMENDMENTS TO THE INDIAN PENAL CODE	9 (b) (ii)	<i>In section 376 of the Penal Code,- (b) in sub-section (2),— (ii) after the words “shall also be liable to fine” the words “or in cases which have the characteristic of offence is heinous in nature and where adequate conclusive evidence is there and the circumstances warrant exemplary punishment, with death” shall be added;</i>	STRONG OBJECTION. MUST NOT BE IMPLEMENTED. This itself shows the vagueness with which such a draconian bill has been drafted. The vagueness of the amendment, even if assumed in the right spirit, is already covered in IPC 376A. This Amendment again brings in the unconstitutional <i>double jeopardy</i> .
AMENDMENTS TO THE INDIAN PENAL CODE	9 I	<i>In section 376 of the Penal Code,- I in sub-section (3), after the words “shall also be liable to fine” the words “or in cases which have the characteristic of offence is heinous in nature and where adequate conclusive evidence is there and the circumstances warrant exemplary punishment, with death” shall be added.</i>	STRONG OBJECTION. MUST NOT BE IMPLEMENTED. This itself shows the vagueness with which such a draconian bill has been drafted. The vagueness of the amendment, even if assumed in the right spirit, is already covered in IPC 376A. This Amendment again brings in the unconstitutional <i>double jeopardy</i> .
AMENDMENTS TO THE INDIAN PENAL CODE	10	<i>In section 376D of the Penal Code, after the words “and with fine” the words “or in cases which have the characteristic of offence is heinous in nature and where adequate conclusive evidence is there and the circumstances warrant exemplary punishment, with death” shall be added.</i>	STRONG OBJECTION. MUST NOT BE IMPLEMENTED. This itself shows the vagueness with which such a draconian bill has been drafted. The vagueness of the amendment, even if assumed in the right spirit, is already covered in IPC 376A. This Amendment again brings in the unconstitutional <i>double jeopardy</i> .



AMENDMENTS TO THE INDIAN PENAL CODE	11	<i>In section 376DA of the Penal Code, after the words "and with fine" the words "or in cases which have the characteristic of offence is heinous in nature and where adequate conclusive evidence is there and the circumstances warrant exemplary punishment, with death" shall be added.</i>	STRONG OBJECTION. MUST NOT BE IMPLEMENTED. This itself shows the vagueness with which such a draconian bill has been drafted. The vagueness of the amendment, even if assumed in the right spirit, is already covered in IPC 376A. This Amendment again brings in the unconstitutional <i>double jeopardy</i> .
AMENDMENTS TO THE CODE OF CRIMINAL PROCEDURE, 1973.	12	<i>After section 37 of the Code of Criminal Procedure, 1973, in its application to the State of Maharashtra (hereinafter, in this Chapter, referred to as "the Code of Criminal Procedure"), the following section shall be inserted, namely :— "37A. Every social media platform or internet or mobile telephony data provider, including any intermediary or custodian shall be bound to share any data, including the document or electronic record to the Investigation Officer on demand, for the purpose of investigation of offence, punishable under section 326A, section 326B, section 354, section 354A, section 354B, section 354C, section 354D, section 354E, section 376, section 376A, section 376AB, section 376B, section 376C, section 376D, section 376DA, section 376DB or section 376E of the Indian Penal Code, or any offence punishable under the Protection of Children from Sexual Offences Act, 2012."</i>	STRONG OBJECTION. MUST NOT BE IMPLEMENTED. Unfortunately, seriousness of every other criminal investigation is being undermined by insertion of this clause. With such draconian provision, whoever, legally bound to produce such records, will also have to put matters of even National Security or heinous crimes like Murder, Child Trafficking etc. at bay for only these sections of IPC. This may result to Injustice to matters of Nation Security, People Security, Property Security, which would crave for evidence as they will be rendered as low priority. And singling out Social Media / Mobile providers etc, is just creating an easy way out for those who are not covered under the section. Laws have to become more and more inclusive and less and less inclusive. On one hand, there is a demand to reduce the number of laws and make justice system more effective while such bills just pave the way to more and more misuse and burdening of the Courts with easy to misuse laws and thus fake cases.
AMENDMENTS TO THE CODE OF CRIMINAL PROCEDURE, 1973.	13 (1)	<i>In section 39 of the Code of Criminal Procedure, in subsection (1),— (2) after clause (v), the following clauses shall be inserted, namely:- "(v-1) sections 326A and 326B (that is to say, offences related causing grievous hurt by use of acid and attempting to throw acid, etc); (v-2) sections 354, 354A, 354B, 354C, 354D and 354E (that is to say, offences related to assault to outrage modesty, sexual harassment, disrobe, voyeurism, stalking, harassment of woman by any mode of communication, etc.);"</i>	STRONG OBJECTION. MUST NOT BE IMPLEMENTED. Were Section 39 CrPC, sub section (1) clause (v) caters to crimes which are affecting life i.e. crimes like Murder (IPC 302) etc., the proposed Bill undermines the seriousness of Right of being Alive with other crimes like those covered under IPC 326 or IPC 354. Right to life has been always kept at a higher pedestal than other crimes in the Rights conferred by Constitution of India or by UDHR (to which India is a signatory).



			This distinction must not be rubbed off the Fundamental rights, just to appease the Feminist Forces or a particular gender. Moreover, whereas the Law Makers are unable to incentivize good Samaritans, they are hell bent to penalize citizens only w.r.t. Gender Biased Laws.
AMENDMENTS TO THE CODE OF CRIMINAL PROCEDURE, 1973.	13 (2)	<i>In section 39 of the Code of Criminal Procedure, in subsection (1),— (2) after clause (va), the following clause shall be inserted, namely: “(vb) sections 376, 376A, 376AB, 376B, 376C, 376D, 376DA, 376DB and 376E, both inclusive (that is to say, offences related to rape and gang rape, etc.);”.</i>	STRONG OBJECTION. MUST NOT BE IMPLEMENTED. On one hand, lawmakers are unable to incentivize good Samaritans, they are hell bent to penalize citizens only w.r.t. Gender Biased Laws. Instead of making the approach, life and security of the general public witnesses better, the Law chooses at penalization and the threat of Law to bring out strength in general public to inform about an alleged crime or it's planning. If this is the right way, why should there be no penalty on those who are witness or have information of a crime under IPC 307 or other heinous crimes? Why should the law enforcing officers who cater to the crime scene must not be penalized on why the crime happened at first place? WHY THE LAW MAKERS MUST NOT BE PENALIZED ON WHY INSPITE OF MAKING MORE AND MORE DRACONIAN AND ANTI MALE LAWS, THE CRIME DATA IS JUST GETTING ARTIFICIALLY INCREASED YEAR ON YEAR?
AMENDMENTS TO THE CODE OF CRIMINAL PROCEDURE, 1973.	14	<i>In section 100 of the Code of Criminal Procedure, in subsection (4), the following proviso shall be added, namely :— “Provided that, in case of offences under section 326A, section 326B, section 376, section 376A, section 376AB, section 376C, section 376D, section 376DA, section 376DB or section 376E of the Indian Penal Code and the offences under the Protection of Children from Sexual Offences Act, 2012, the person conducting the search shall call upon two public servants or two social workers recognized by the Women and Child Development Department of Government of Maharashtra, who are available in the locality in which the place to</i>	Introducing steps to make the investigation process more scientific and intelligent, is a welcome step, but why that this sense of importance of a criminal investigation again be Gender Biased and be applicable to these laws ONLY? Don't the citizens of Maharashtra deserve an overhaul of criminal investigation for all crimes? Such gender biased approach is under clear violation of Article 15 of the Constitution of India.



		<i>be searched is situated. Where, such public servants are not available despite diligent efforts, the person conducting the search shall, after recording in writing the same, follow the procedure provided in this sub-section."</i>	
AMENDMENTS TO THE CODE OF CRIMINAL PROCEDURE, 1973.	16 (i) & (ii)	<p><i>In section 173 of the Code of Criminal Procedure,—</i></p> <p><i>(2) in sub-section (1A), for the word, figures and letters " sections 376, 376A, 376AB, 376B, 376C, 376D, 376DA, 376DB or 376E " the word, figures and letters " section 376B or 376C " shall be substituted ;</i></p> <p><i>(ii) after sub-section (1A), the following sub-section shall be inserted, namely :—</i></p> <p><i>"(1B) In relation to offences under section 326A, section 326B, section 376, section 376A, section 376AB, section 376D, section 376DA, section 376DB or section 376E of the Indian Penal Code, the investigation shall be completed within a period of fifteen working days from the date on which the information was recorded by the officer-incharge of the police station:</i></p> <p><i>Provided that, if it is not possible to complete the investigation within the period of fifteen working days from the date on which the information was recorded, then the reasons for the same shall be recorded in writing by the concerned investigating officer; such instances may include the inability to identify the accused; whereupon</i></p> <p><i>the said period can be further extended by seven working days by the concerned Special Inspector General of Police or Commissioner of</i></p> <p><i>Police:</i></p> <p><i>Provided further that, nothing contained in this section shall be deemed to have any effect on the various provisions of bail specified in this Code."</i></p>	<p>STRONG OBJECTION. MUST NOT BE IMPLEMENTED.</p> <p>Whereas, speedy and proper, intelligent investigation of every crime is important, this amendment differentiates the investigation of only these sections that other crimes. Thanks to such bias in the system, we see investigations of other crimes stretch into Years, if not months. Looks like Male Gender or Public at Large has no right to justice and Amendments like these forces one to live under the threat of being born as a Male in Maharashtra.</p>
AMENDMENTS TO THE CODE OF CRIMINAL PROCEDURE, 1973.	17	<p><i>In section 309 of the Code of Criminal Procedure, in subsection (1), for the proviso, the following proviso shall be substituted, namely :—</i></p> <p><i>"Provided that, when the inquiry or trial relates to an offence under section 326A, section 326B, section 376, section 376A,</i></p>	<p>STRONG OBJECTION. MUST NOT BE IMPLEMENTED.</p> <p>Firstly, by burdening the courts with the pressure of finishing the trial within 30 days, instead of 2 months, the law makers have denied the right to defense to the accused. RTI, today is one of the</p>



		<p><i>section 376AB, section 376B, section 376C, section 376D, section 376DA, section 376DB or section 376E, of the Indian Penal Code, the inquiry or trial shall be conducted on the day to day basis and completed within a period of thirty working days from the date of filing of the charge sheet.”.</i></p>	<p>most important way for an accused to collect evidence for his defense but the RTI Act itself mandates 30 days as the response time for a RTI Query. Requests under life and liberty of RTI Act are generally declined. So, by the time an accused can arrange an RTI reply to prove his innocence, as per this amendment, he may get convicted to Death Sentence too. Law Makers can NOT make a Law draft with an ASSUMPTION that all accused need to be convicted. Because that’s what this Section actually means.</p>			
<p>AMENDMENTS TO THE CODE OF CRIMINAL PROCEDURE, 1973.</p>	18	<p><i>In section 320 of the Code of Criminal Procedure, in subsection (2), in the table, after entry relating to section 338, the following entry shall be inserted, namely :—</i></p> <table border="0"> <tr> <td style="padding-right: 20px;"> <p>“Intimidating woman by any mode of communication, in addition to insulting her modesty</p> </td> <td style="text-align: center; vertical-align: middle;">354E</td> <td style="padding-left: 20px;"> <p>The woman to whom sense of danger, intimidation or fear is created.”.</p> </td> </tr> </table>	<p>“Intimidating woman by any mode of communication, in addition to insulting her modesty</p>	354E	<p>The woman to whom sense of danger, intimidation or fear is created.”.</p>	<p>STRONG OBJECTION. MUST NOT BE IMPLEMENTED.</p> <p>This section is just doing minute dissection of the offences, already covered under IPC 354D or IPC 354E as both these sections (along with other IPC 354), post 2013 amendment, very well cover the electronic forms of Stalking, Voyeurism and Sexual Harassment. Thus, by introduction of IPC 354E, the Bill is just proposing, “double jeopardy”, which is unconstitutional.</p>
<p>“Intimidating woman by any mode of communication, in addition to insulting her modesty</p>	354E	<p>The woman to whom sense of danger, intimidation or fear is created.”.</p>				
<p>AMENDMENTS TO THE CODE OF CRIMINAL PROCEDURE, 1973.</p>	19	<p><i>In section 327 of the Code of Criminal Procedure, in sub-section (2),—</i></p> <p><i>(1) after the words “offence under” the words, figures and letters “section 326A, section 326B,” shall be inserted;</i></p> <p><i>(2) after the second proviso, the following proviso shall be added, namely :—</i></p> <p><i>“Provided also that, in camera proceedings shall be held in the chamber of the Presiding Officer recording the evidence and every effort shall be made by such Presiding Officer to make the victim or vulnerable witnesses feel comfortable and this shall be recorded in the evidence.”.</i></p>	<p>STRONG OBJECTION. MUST NOT BE IMPLEMENTED.</p> <p>In Camera Proceedings should be there by default in all case of Gender Biased Laws with equal importance being given to the right, dignity, evidence, witness, defense of the Accused as well. The Media, Social Media, Society and even the Prosecution agencies are more than often seen calling the accused as “Pervert”, “Rapist”, “Womanizer”, “Dowry Seeker”, “Wife Beater”, “Loser Lover” etc etc. The dignity of the accused can not be played with, the way it is played with the dignity of a convict in India (this too is gender biased as hardly anyone talks about the name and identification of a female convict, the way they do for a male accused).</p> <p>Additionally, the (2) clause takes away the right of a justice focused cross-examination right of the accused as it is a very clear and normal practice where</p>			



			the fake statements or errors from the tutored witness statements of the prosecution are often omitted and not taken on record. This puts the accused at serious disadvantage and takes the right of Justice away from the accused.
AMENDMENTS TO THE CODE OF CRIMINAL PROCEDURE, 1973.	20	<i>In section 374 of the Code of Criminal Procedure, in subsection (4),— (1) after the words “passed under” the words, figures and letters “section 326A, section 326B,” shall be inserted ; (2) for the words “six months” the words “forty-five days” shall be substituted.</i>	STRONG OBJECTION. MUST NOT BE IMPLEMENTED. By putting such clauses for these Gender Biased Sections, the Bill completely ignores the importance of time for other crimes and over burdens the courts, thus delaying other heinous crimes cases too. It is important to note that while the Appeal is ongoing, the convict is behind bars and has no effect on the victim or the process. Thus, by burdening the courts more with only these cases, no real purpose is being solved.
AMENDMENTS TO THE CODE OF CRIMINAL PROCEDURE, 1973.	21	<i>In section 377 of the Code of Criminal Procedure, in subsection (4),— (1) after the words “passed under” the words, figures and letters “section 326A, section 326B,” shall be inserted; (2) for the words “six months” the words “forty-five days” shall be substituted.</i>	STRONG OBJECTION. MUST NOT BE IMPLEMENTED. By putting such clauses for these Gender Biased Sections, the Bill completely ignores the importance of time for other crimes and over burdens the courts, thus delaying other heinous crimes cases too. It is important to note that while the Appeal is ongoing, the convict is behind bars and has no effect on the victim or the process. Thus, by burdening the courts more with only these cases, no real purpose is being solved.
AMENDMENTS TO THE CODE OF CRIMINAL PROCEDURE, 1973.	22	<i>In section 438 of the Code of Criminal Procedure, as amended by the Code of Criminal Procedure (Maharashtra Amendment) Act, 1993, after sub-section (2), the following sub-section shall be inserted, namely :— “(2A) Nothing in this section shall apply to any case involving the arrest of any person on accusation of having committed an offence under section 326A or section 326B or section 376 or section 376A or section 376AB or section 376D or section 376DA or section 376DB or section 376E of the Indian Penal Code.”.</i>	STRONG OBJECTION. MUST NOT BE IMPLEMENTED. Taking away the right of an accused to Anticipatory Bail is unconstitutional and in violation to the Fundamental Right conferred in Article 21 of the Constitution of India and against Universal Declaration of Human Rights (UDHR).
AMENDMENTS TO THE CODE	23	<i>In section 439 of the Code of Criminal Procedure, in subsection (1A), for the portion</i>	STRONG OBJECTION. MUST NOT BE IMPLEMENTED.



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FOUNDATION**
(Regd.)

www.saveindianfamily.in

SIF One: Helpline for Men

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OF CRIMINAL PROCEDURE, 1973.		<i>beginning with the words "the person under" and ending with the words "Indian Penal Code", the following shall be substituted, namely :-- "the person under section 326A or section 326B or subsection (3) of section 376 or section 376AB or section 376DA or section 376DB or section 376E of the Indian Penal Code".</i>	Such kind of conditions are not applicable even to other heinous crimes including Attempt to Murder. Maharashtra, over past 4 years, as per NCRB Data has registered less than 30 cases of IPC 326A and 326B combined. What is the empirical data behind the need for prioritizing these sections under this Amendment Clause?
AMENDMENTS TO THE CODE OF CRIMINAL PROCEDURE, 1973.	24	Not copied here for brevity	STRONGLY OBJECTED, AS MENTIONED IN ABOVE OBJECTIONS, CLAUSE WISE.

Owing to our above listed clause wise objections and referring to the clear writing on the wall, in bold, about MISUSE, we strongly object to the introduction of the Act and hence we hereby pray to the respected Law Makers and Legislative Assembly and the Government and the Hon'ble Governor of the State of Maharashtra, to kindly repeal this act immediately.

Please stop this gross injustice to the Males in the State and the Public at Large. This Act/Law is draconian, Anti-Male, Anti-Public, Anti-Justice, highly prone to misuse.

We shall be more than happy to make this representation, in person, if allowed.

Thanking you in Anticipation,
Requesting Justice to the People of State of Maharashtra.
Men Welfare Trust (Regd. NGO) & Save Family Foundation (Regd. NGO)

About Men Welfare Trust (MWT) & Save Family Foundation (SFF):

Registered NGOs in New Delhi, Men Welfare Trust (MWT) & Save Family Foundation (SFF), work for safeguarding the interests of those Men who have been implicated in false cases because of the gross misuse of gender biased laws. MWT & SFF has been involved in several intervention petitions on issues such as Marital Rape. NGOs, which are managed by India's leading Men's Right Activists, provides free and selfless help to Men and their families who are victimised by the misuse of gender biased laws such as false 498-A, rape, sexual harassment, domestic violence and other cases of similar nature. They have provided brotherhood support to lakhs of Men & families in distress who have been victims of false cases which are filed by many women to cash in and extort from a failed relationship, defame and shame the Men and settle personal scores. Members of MWT, SFF are also actively engaged in various other activities like research, documentation and publication on men's rights issues, and regularly appear on India's leading national news channels.

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