

Gone ! are the days when the affliction of cruelty to a women was a male sport and women merely suffered in silence. Freedom of education, job opportunities, economic independence and social attitude have brought tremendous change in the status of women. The balance of scales have tilted reversly in favour of women.

Protection and safe guard to women depicts only one side of the picture. The other side is completely overlooked. In lacs of cases, the boot is on the other leg. A man who's wife is not happy in her marriage for whatsoever reasons, is placed in a very vulnerable position.

Present laws governing marriages are biased, discriminatory, stringent, unconstitutional, unprecedented, exceptional and unique in the legal history of our country and they are violative of basic human rights as well. Amended provisions of Anti dowry laws i.e. 498A/406/304B of the IPC and Sections 113A & B of the Indian Evidence Act have taken such a harsh step against innocent and their family women (even school and college girls are not spared) that people have started thinking not to marry according to their rites and ceremonies. Crores of people are implicated in false Anti In Dowry cases, since the decision of PRITIBHA RANI VERSUS SURAJ KUMAR ( AIR 1985 SC 628) docoities are being committed in the name of 'Istridhan'.

SECTIONS 406,498A, 304-B IPC : The sections are unilateral and undefeatable weapon in the hands of married women, who can use it whenever they like. The scope and limitations of these sections have not been defined and demarcated. A life magistrate at the age of about 78 years faced FIR U/S.498A IPC in Agra. The case was registered by his 72 year old wife on 5.1.1994. Husbands are implicated U/S.498A/406 IPC after 25/30/50 years of married life. DOWRY is a very ambiguous and obnoxious word. No body would ask for the Dowry after 20/30/50 years of the marriage. Aforesaid sections do not provide any exception and the sections are non-bailable and non-compoundable, hence the couple who patch up their differences cannot ask for the withdrawal of the case. SECTION 113-A & 113-B OF THE INDIAN EVIDENCE ACT : Amended provisions 113 A and B of the Evidence Act are ill conceived and has deviated from the evidence act in all civilized societies. MERE ASSERTION of a women or her relative that a woman was subjected to cruelty or harassment, has for-reaching assumption because the guilt of the husband and any or all his relatives is presumed. It is painful that such a heinous crime is presumed to be committed by all the named persons including women (Married and Unmarried sisters of the husbands). It is a known fact that the stringent Dowry Laws have failed to stop the gruesome deaths occurring almost every day. I am of the opinion as observed while dealing with lacs of cases, that committing suicides and burning each other is a direct consequence of defective MATRIMONIAL LAWS which do not provide any solution for un-workable marriages. Most responsible persons from the Police and Judiciary have also admitted that laws are being used for ulterior motives. A women head of the women police station in her statement to a Delhi daily newspaper has given a very courageous statement that 99% such complaints of women are false.

Mode of disposal of bail applications : A woeful Tale !

A cardinal principal of the sentencing policy is that it is better to forgive ten suspected criminals than to punish one innocent person but today, the premises seems to be the other way round. The moment a case of harassment to a woman or death by burning or suicide is reported, the husband and his family becomes a culprit in the eyes of law & the society- Is woeful tale. Some Magistrates, take the view that since the offence is non-bailable so they have no jurisdiction to grant bail. This is an erroneous notion not warranted by the provisions of Sec. 437. The judges get allergic to grant the bail, overlooking the basic criterion whether there is any prima-facie evidence to connect the

accused with the alleged crime, and reject the bail application on the sole ground that the offence is serious. Mere seriousness of the offence is not the primary or sole consideration. Bail is a matter of rule and refusal an exception. The issue of Bail is indeed of foremost importance not to be taken so lightly, as it involves the fundamental right of liberty of an individual, as enshrined in article 21 of the constitution.

It is experienced in some of the Sessions Courts that the moment they come to know that the offence is under section 498A/304B, IPC they get allergic to grant bail, overlooking the basic criterion whether there is any prima facie evidence to connect the accused with the crime, They thus outright reject the bail plea, at times even without giving hearing to the defense counsel in violation of the principles of natural justice and making his position embarrassing in the eyes of the client, on the sole ground that the offense is serious, Mere Seriousness of the offense is not the primary or sole consideration. If there is no Prima Facie evidence to connect the accused with the crime, seriousness of the offense has no meaning or significance. This view is held by various High Courts and also find a support from the provisions of amended Section 437 (2) Cr.P.C.

Some of the courts do not apply their judicious mind to the case, as they ought to do, with the result factual errors creep up in the order of rejection of bail plea passed by them. they do not deal with all the important points raised by the defense counsel orally and in the bail application and do not give cogent reasons for rejecting the bail pleas. Sometimes, rejection is based only on the ground that it was rejected earlier. They do not form an independent view of their own in all fairness to the accused.

Such style of functioning I am afraid, tends to shake the very foundation of the judicial systems & the people will loss their faith in the administration of justice. The issue of bail is indeed of foremost importance, not to be taken so lightly, as it involves the fundamental rights of liberty of an individual as enshrined in Articles 21 of the Constitution as observed by the Hon'ble Supreme Court of India.

About one crore men, women & children victims Anti Dowry laws, through out the world, protest against the use of heinous criminal laws in matrimonial disputes. ANTI DOWRY LAWS enacted for providing protection to innocent victim girls who are really harassed, tortured and killed for dowry, in majority of the cases the law is being used for ulterior motives to grab the hard earned money and property of the husbands and in-laws. Lacs of husbands and their family members have been consumed by the Anti Dowry Laws & lacs had been arrested and have been facing criminal cases through out the country since the amendment of IPC and Indian Evidence Act.

ANTI DOWRY laws are entirely biased, discriminatory, stringent, unconstitutional and unprecedented in the legal history of the world. Most responsible persons from the police and Judiciary have said that laws are being used for ulterior motives. A women head of a Women Police Station in her interview to a leading daily newspaper of Delhi have given a courageous statement that 99% complaints of dowry demands are false and baseless. An astonishing data published in a Times of India publication that 90% women prisoners in Bihar Jails are locked in dowry cases.

There are laws for the protection of women, children, minorities, the disabled and so on. There are special protective statues for animals as well, but most unfortunately there is no law to protect man if he is tortured by his headstrong wife. The attitude of judiciary is over sympathetic to women and innocent man if he knocks at the door of police or Courts for justice, finds himself in the coils of snakes.

HON'BLE SUPREME COURT in a recent judgment has called for movement to check the social evil of dowry AND URGED THE COURTS to ensure that emotions or sentiments do not influence their judgement. THE HON'BLE SUPREME COURT also reminded not to ignore the golden thread passing through criminal jurisprudence that an accused is presumed to be innocent till proved guilty which must be established beyond doubt.

Dr.Justice A.S.Anand and Mr.Justice M.K.Mukherji observed while allowing an appeal of an IPS officer convicted by the Andhra Pradesh High Court under the provisions of Dowry Laws.

DIVORCE CASES ARE TREATED LIKE ROUTINE CIVIL CASES: And lengthy and cumbersome procedure is applied with the little care for the human aspect. Instances can be quoted where divorce cases have been made to linger for decades. It is observed by the SPCH, that deaths, suicides, murders, bride & bride groom burning is a direct consequence of defective HINDU MARRIAGE & DOWRY LAWS which do not provide any solution for unworkable marriages. The fact cannot be ignored that the parties involved in unworkable marriages when faced with dangerous enormous implications and uncertainties of Hindu Divorce Laws take to heinous crimes as a least solutions to impending miseries.

The attitude of Courts is over sympathetic to the wives. This approach, however, ignores the fact that denying divorce to the husband where there are no prospects of happy married life does not solve the wife's problem. it rather creates more bitterness in the relationship.

Like animals ! Protect human rights & dignity of tortured husbands