CHAPTER 7

CONCLUSION AND SUGGESTIONS
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7.1. Conclusion

In the first chapter, it is discussed about the introduction part to the problem of harassment of men through the protective laws for women in India. It contains the matter about the early period, where the husbands were treated equivalent to God by their wives. Even the wives were ready to sacrifice their lives for the welfare of their husbands. Then few quotes are discussed from Ramayana and Mahabharat, regarding women and their attitudes. By the passing of time, our society took a lot of U-turns, reached a position, where women are tortured by some men. The extent of torture was up to such an extent that the government had to take stringent steps for the welfare of women. The Parliament of India has passed a lot of Acts and several sections are inserted in the existing laws for the protection of rights of women. The Criminal Law (Amendment) Act, 2013 is the latest effective law, enacted by the Parliament of India till date for eliminating the violence against women in the society. The Parliament made the drastic changes in the criminal law, by amending a number of sections, and also adding some sections, wherever necessary. Scopes of some sections have been extended to include some new circumstances in them, for eg. Rape, Outraging the modesty of women etc. Some new sections have been added to cop up with the new situations, which are often happening in the society in the present time.

Several groups and organizations have condemned the amendments. They said that all the recommended suggestions made by the J. S. Verma Committee, were not included in the so called “Amendment Act”. On that objection, the Government of India gave an excuse that “it has not rejected the suggestions fully, but changes can be made after proper discussion”.

The Government of India did not put all the recommendations as it is in The Criminal Law (Amendment) Act, 2013. Although the recommendations made by the Verma Committee were the result of much hard work, yet the government made a little bit of changes in those recommendations, wherever logically thinks fit. It was done so, as the government has to make a

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balance in the society between men and women. It could not follow blindly all the recommendations of the Verma Committee, as those were mostly tilted in favour of women and that will cause injustice to men. A legislative authority at central level is responsible to both men and women. It cannot take biased steps against some particular gender.

Some of the points, on which the Verma Committee and Parliament of India differs, are as follows:

(a) The Committee suggested in case of rape with murder, the punishment should be life imprisonment, and in case of gang rape, accused should be awarded with the imprisonment of 20 years. The punishment of “capital punishment” was not suggested by the Committee, yet there was strong demand from all over the country that the accused of commission of offence of rape should be stringently punished with capital punishment, after the agitation started over the brutal gang rape followed with murder of a physiotherapist in Delhi on Dec. 16, 2012.

The point of difference is this punishment for the offence of rape. The Parliament of India provided a minimum punishment of imprisonment of 20 years on the commission of rape through this amendment, while the punishment become harsher, i.e. capital punishment, in case of rape in terrible circumstances or the circumstances becomes terrible after the commission of the offence.

(b) The Parliament also excluded the suggestion of the committee of including the act of marital rape in the purview of the new amendment.

(c) According to the Committee, those politicians should be banned from fighting elections, which have faced or are facing the charges of sexual offences. Our Parliament has also not adopted this suggestion also.

(d) Parliament also rejected the recommendation of the Committee that if some junior person commits any sexual offence, then his senior should be held liable for the same.

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457 [www.ibtimes.co.in](http://www.ibtimes.co.in), Last visited on June 14, 2015.

(e) The Committee was interested to recognize the definition of sexual offences as rape, the Parliament put the term “sexual assault” in place of “rape”.

After all of this, the good point is that the amendment provides a better definition of “rape” ever before, as it also includes the putting of any object or any other part into the vagina, anus or urethra of woman, along with oral sex. But, the bad thing is that the definition of the term “rape” is so wider in scope, that there are greater chances of misuse of this new concept. Much the number of cases of misuse, much the number of harassed men. This amendment is much against men, then in favour of women. The amendment has been strongly condemned law, as it is partial on the basis of sex. It provides the power to women to commit those crimes against men, for which the former want protective laws.

An overview of present scenario reveals that India serves as a source, transit and destination of the harassment of men by women. The collaborated and protected system in India further makes it a complex, multi-layered and multi-dimensional problem. Men are being charged by women in numerous of cases by misusing the special laws for women. Violation of section 498A, IPC, its goals and its aims is on the rise with the woman frivolously making false allegations against their husbands with the purpose of getting rid of them or simply hurting the family. The abuse of this section is rapidly increasing and the women often well-educated know that this section is both cognizable and non-bailable and impromptu works on the complaint of the woman and placing the man behind bars. When women accuse their husbands under s. 304-B and s. 498A, IPC by making the offence non-bailable and cognizable, if the man is innocent, he does not get a chance quickly to get justice and “justice delayed is justice denied”.

S. 498A was enacted to empower women against harassment for dowry and domestic violence. Now-a-days, the cases of misuse of this provision have become a daily routine. It is sad to say that the Supreme Court in the historical case of *Sushil Kumar Sharma v. Union of India*\(^{459}\) has condemned s. 498A as ‘Legal Terrorism’. In 1985, amendments were made in Indian Penal Code and Criminal Procedure Code in relation to dowry. The object of those amendments was to empower women and to stop the bad consequences relating to the dowry.

\(^{459}\) (2005 (6) SC 266)
The government got the success to some extent in its object. Women became aware when the dowry lovers got punishment. Due to the strictness in the law, two changes came into effect. First, women were not murdered and harassed for the want of dowry, and the second was the awareness relating to the dowry prohibition laws. In *Narendra v. K. Meena*, a wife continuously forced her husband to live separate from his family members. It was a case in which the husband was the only person, who was earning and maintaining his family. The wife was interested to spend herself the whole income of her husband. She also leveled fake charges against her husband that he had extra marital relations with their maid. Further, she had attempted to commit suicide by burning herself after pouring kerosene oil, without any reasonable ground. On Oct. 06, 2016, the bench, comprising of Justice Anil R. Dave and Justice L. Nageshvara Rao, after considering the law fixed in *Pankaj Mahajan v. Dimple @ Kajal* and *Vijaykumar Ramchandra Bhide v. Neela Vijaykumar Bhide*, held that such continuous pressure on husband to separate him from his family by his wife is considered to be the cruelty because firstly, in Indian society and ethos, it is very normal that a son is maintaining his parents, and secondly, in this Hindu society, maintaining the parents is a pious obligation of the son. Such husband has the right to demand divorce from his wife, who has leveled fake charges of having extra marital affairs against him, as it is hard to live peacefully along with such wife. It is such husband, who has saved her from committing suicide. As per the bench, “if the wife had succeeded husband, it would have entangled the husband into clutches of law. It is mental cruelty to husband. Only one event was sufficient for the husband to get divorce on the ground of cruelty.” Hence, the order, passed by the High Court of Karnataka, against the appellant, is said to be set aside and quashed.

Women became understanding their rights. But, the situation today has totally changed. Women started to misuse their awareness to such extent that hundreds of cases are getting filed every month in the country. The fake cases, filed by women, bound a lot of families to live the

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461 (2011) 12 SCC 1
462 2003 (6) SCC 334
life of hell. Thousands of cases are pending before the family courts in India. No one ever imagined that the laws for the protection of women may be misused in such a way. That was the reason that an appeal was filed before the Supreme Court of India for reviewing the dowry related laws. Although that appeal was dismissed by the Supreme Court, but with the passing of the time, demand for reviewing the powers given to women is raising.

The existence of dowry deaths in the rural areas is not the reason for lenient laws as understood by women organizations. The law is already unfair, biased and inapplicable. The true reason for dowry deaths in rural areas is poverty and under-developed civilization. Unwillingness of the women’s organization to alter the law so that misuse of law can be stopped is evident. On the contrary, women organizations are planning to strengthen and increase the severity of the s. 498A, I.P.C. law to curb dowry death, which is absolutely preposterous. If the misuse of laws still continues then the social infrastructure will collapse which will have a direct unfavorable impact on the country’s economy. If the law can’t curb dowry deaths, can’t even stop misuse, then what is the use of such a law that causes millions of people to suffer. Therefore, the lawmakers must suggest some way of making this section non-biased to any individual, so that the guilty is punished and the person wronged is given justice.

As the misuse of the laws relating to the prohibition of harassment for dowry is on the high, same is the position of the laws relating to rape and eve teasing. A number of false cases are filing daily in the country. There is an old proverb that woman becomes the enemy of woman. The power given to women is needed to be handled; otherwise one should not be wondered if the right points of women will be ignored. The government has executed the laws very strictly in relation to that matter after the brutal incident of Damini at Delhi. The effect of those laws is seems to be in force. Those laws give such a power to women that no one can escape from them. But, many cases come before the police and courts, in which these strong laws are heavily misused. We should have to seriously think over it before the time lapses. To find out the probity of such cases, the rape crisis cell along the counselors had to carry out a thorough investigation into the allegation. These cases were extremely sensitive, so they had to work hard to ensure that acquittal did not happen easily. Speedy justice was given to the victim. They also helped the victim collect evidence and gave financial assistance for medical checkup. Cross-examination of complainant often reveals the probity of such cases. The commission has
the powers to penalise anyone, who registers false cases. The complainants are warned against pressing false charges.

Further, the chapter deals with the object and significance of the study, scope and limitations of the study, what is the method and tool for collection of data, the research methodology adopted, the hypothesis and the research questions to justify the hypothesis. A scheme of the study is also provided there in the form of a brief detail of all the chapters, which shows that how the study is categorized into various parts.

Second chapter deals with the cruelty and harassment against women in India. It provides the meaning of the term “Cruelty” and “Harassment”, considered by various jurists. Cruelty is used in three fields of law, i.e. in law related to divorce as a ground for divorce, in law related to animal as cruelty to animal and in international law related to human rights for prohibition of cruel punishment. It is infliction of pain on some person with some wrongful intention. The test to find whether there is cruelty or not is that the act, which is said to be the act of cruelty, must not be any trivial act, rather it must be something serious and weighty in nature.

The conclusive test of the cruelty is the situation has the relation with the condition of mind and body of the parties and their view towards each other. Unwanted imposition of hurt, with wrong intention, over the emotions or feelings of some person is said to be the mental cruelty. Any suffering to the mind of the other person, comes under the purview of mental cruelty. Generally this kind of cruelty prevails where two are persons have some relationship. It may be either by marriage or of master and servant or employee and employer and so on. It is also used as a ground for getting divorce in the courts.

Exact definition of the term “cruelty” is not available. “Cruelty” is provided as a ground of divorce to a Hindu man. According to s.13 (1) (ia) of The Hindu Marriage Act, 1955, any marriage solemnized, whether before or after the commencement of the Act, may, on a petition presented by either the husband or the wife, be dissolved by a decree of divorce on the ground that the other party has, after the solemnization of the marriage, treated the petitioner with cruelty. The term “cruelty” is a dynamic term, which gets changing according to time, place and

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<sup>463</sup> [www DEFINITIONS.USLEGAL.COM](http://www.definitions.uslegal.com), Last visited on Sep 16, 2015.
persons.\textsuperscript{464} That is why our Parliament has not provided the exact definition of cruelty in any of the enactments. So, it is on our judicial authorities to interpret the meaning of cruelty in the particular case. Several judges in various judgments have defined as what is cruelty, but that is not the exclusive meaning of the term “cruelty”. It all depends on the each and every facts of the case individually.

There are innumerable precedents dealing with the term “cruelty”, which may be read here. But, what’s the use of them. There is no strict meaning of the term “cruelty”, and it is also not possible because one act or conduct may be considered as cruelty in some case and it may not be considered as such in some other case. Mental cruelty may be considered as when either the husband or the wife gives mental pain, pressure, agony or suffering of such an extent that it divides the wife or the husband. It is clear that if one party makes wild and reckless allegations as regards to the character of the other party or any near relative of the other party and such allegations remain unsubstantiated, they amount to causing cruelty within the meaning of the sections under the Hindu Marriage Act.

“Harassment” is generally known as the behavior, in which a person is repeatedly disturbed. In the legal field, it means the behavior, which seems to be disturbing and threatening. Such as, sexual harassment represents the situation at the workplace, in which the person works in continuous and unjustified sexual favours. Violence against women is a manifestation of historically unequal power relations between men and women and that violence against women is one of the crucial social mechanisms by which women are forced into a subordinate position compared with men.

Violence against women and girls is a problem of pandemic proportions. At least one out of every three women around the world has been beaten, coerced into sex, or otherwise abused in her lifetime with the abuser usually someone known to her. A number of sections have been amended and many sections have also been newly added, so that the law could not felt that its hands are insufficient to deal with the cruelty over women. One of those sections is s. 498A, which has been added in The Indian Penal Code, 1860. This section was especially added to cop

\textsuperscript{464} \url{www.legalservicesindia.com}, Last visited on March 26, 2014.
up with the situation of cruelty against married woman by her husband or his relatives, regarding the demand of dowry made within seven years of the marriage. But, it can’t be denied that the purpose of the section has been frustrated. In some cases, women have reported fake cases under this section, just for their personal benefits.

Third chapter has discussed about a fleet of laws, Conventions, Treaties, Declarations, Covenants, Charters and policies, which are created at national and international level for the benefit and welfare of women. The object behind all these instruments is to save the interests of women against the cruelty, harassment and violence, in one or the other form, occurring over women worldwide. Even the word “life” under article 21 of the Constitution of India does not means the life of animals, rather it means the life of human beings, and it has not only physical existence, but spiritual existence also. The right to life is not limited to the mere protection of the body parts, rather it also includes right to live with full dignity, which is necessary for making complete the human life.

India is a democratic country, so the government made statutes, policies and projects for the empowerment of women in different aspects. Our country is following several conventions, held at international level, and many human rights instruments, which encourage equal rights for women. The states have such power so that they can neutralize the economic, social, educational and political disadvantages faced by women in various fields. Fundamental rights ensure that all persons are equal before the law and all have equal protection of law.

Numerous offences specifically against women are described in the Indian Penal Code, 1860. 156 years before, when the I.P.C. was enacted, the situation was different. The definitions and punishments provided in the I.P.C. at that time were sufficient according to the situation of that time. But, now the circumstances have been totally changed. The definitions and punishments of 156 years back were not capable to cop up with the offences of the present time. Accused persons had no fear of those old punishments, so as to deter them from committing crimes. The number of crimes had been raising against women all over the country. Delhi gang rape case was one of the worst example of brutal violence against women. After that incident, huge revolution forced the Government of India to make amendments in our criminal law on large scale.
The government of India had to take the step of amending the criminal law, so that the violence against the women can be prevented. Our parliament has provided to the citizens of India some new updated provisions in the criminal law, through The Criminal Law (Amendment) Act, 2013. These amendments provide for some changes in the earlier provisions and also provide for some new offences, such as Stalking, Sexual Assault etc., of which there was no particular section in the law. These amendments changed the picture of The Indian Penal Code, 1860, The Code of Criminal Procedure, 1973 and The Indian Evidence Act, 1872. This Amendment Act is generally known as the Anti-Rape Bill also.

At international level also various nations are working in this aspect, so that women will soon get respect, which they require. United Nations is leading the world in this sphere. More than 50 treaties, conventions, covenants, declarations, charters etc. have been made till date for the upliftment of women all over the world. Almost all aspects are covered through these instruments, but the target is still not achieved. These instruments unite the signatory nations to co-operate with each other in resolving the problems of an economic, social, cultural, or humanitarian character and in promoting and encouraging respect for human rights and for fundamental freedoms for all without distinction as to race, sex, language, or religion.

Fourth chapter has the subject matter related to the incidents, where woman misuses the liberty provided by law to her and file a case of cruelty, harassment or violence for the demand of dowry or any other favour, only because the marriage has taken place within past 7 years or the incidents, in which woman report the fake case of rape or its attempt against some man, are said to be the direct assault over the dignity and the right to life and liberty of the man. The side of woman is also generally strong in the court, as she is prima facie deemed to be innocent in all the cases. It is also considered that woman never takes the steps to lodge the complaint, which ultimately affects the interests of man in the case. If in any case, there is lack of evidences and witnesses from both husband and wife, then soft nature of court towards woman, create problem for man.


Every law has its own effects. Laws are enacted for some good purpose, but people use them for their own benefits and sometimes for fulfilling their evil purposes. Gone are the days, when women were tortured by men. Now the time is for domination of women over men. The former is harassing the latter for their self-interest, forgetting the actual purpose of those laws. No matter what tactics or precaution one take, nothing works in India in current situation, when it comes to Law and Police. Even if one agrees to all terms by the women concerned, police try to create confusions in between. In the end it all boils down to how much money the women gets. If one fights and wins, one pays less. If one loses, one loses big. If one compromise, one still pay, but in installments. Best way for Indian Men to avoid extortion is to only marry a woman with better financial state (among other obvious reasons like love). Middle class gold-digger educated women are most dangerous, when it comes to exploiting laws and use them to extort money on trivial issues. In India, there is no penalty on women, even if husband has video evidence of adultery, all she has to do is say that he ignored her that's why she had to stray.

Gone are the days, when it was thought that only women could be harassed, and men had no feelings, they never suffer. The effect of the misuse of these laws by women can also be seen on the culture of joint families. S. 498A provides the protection to married women. The provision is effective to prevent the case of exploitation of women by the side of men. The fault for the misuse doesn't lay solely with the women, but also with law enforcement agencies. The practice of the bride's family giving cash, furniture or jewelry to the groom's family, as a help to cover marriage expenses, otherwise known as “dowry”, has been part of Indian society for centuries. Today, there is a growing tendency to convert every marital dispute into a criminal offence of cruelty or dowry harassment.

Supreme Court of India warned of “legal terrorism” due to misuse of s. 498A, I.P.C. and said, "The role of the investigating agencies and courts is that of a watchdog and not of a bloodhound. It should be their effort to see that an innocent person is not made to suffer on account of unfounded, baseless and malicious allegations." The law is already unfair, biased and inapplicable. The true reason for dowry deaths in rural areas is poverty and under-developed civilization. Unwillingness of the women’s organization to alter the law so that misuse of law
can be stopped is evident. On the contrary, women organizations are planning to strengthen and increase the severity of the s. 498A, I.P.C. law to curb dowry death, which is absolutely preposterous. If the misuse of laws still continues then the social infrastructure will collapse which will have a direct unfavorable impact on the country’s economy.

The law in its current form is grossly inadequate to tackle the problem of domestic violence. It imposes a lot of responsibility on men, without giving them rights. On the other hand, it gives lots of rights to women without requiring them to be responsible. At the very minimum, it should be made gender neutral, offering protection to both men and women. Also, provisions for stringent punishments need to be incorporated into the law to prevent misuse. Moreover, the law needs to be made more practical by differentiating between various degrees of conflicts and by unambiguously defining what constitutes domestic violence.

A bench of the Supreme Court of India stated that, “Even after the six decades of independence, police has not changed its image and the arrest is used as the weapon of harassment and torture on large scale. Arrest of the accused should not be made only when the offence is non-bailable or cognizable, but in that situation, concerned police officer should have to take the decision within the limits of the law. Any person should not be arrested automatically under the dowry prohibition law and s. 498A, I.P.C.\textsuperscript{468} Arrest should only be made in exceptional conditions, where there are chances of the accused fleeing, not cooperating in the investigation or tampering with evidence.”

In the fifth chapter, a deep study has been made over the harassment of men by women. Various latest case laws have also been discussed, to understand the concept of harassment of men by women in a better way. Supreme Court of India, alongwith other High Courts have heard and finally decided in favour of men in various fake and false cases filed by women. According to Indian laws, a man is always guilty of harassing his wife for dowry. Indian society, including policemen and judiciary, would never believe a man, if he complains of a woman harassing, blackmailing or beating him, even if he has complete evidences. It is presumed that it must have

\textsuperscript{468} www.readwhere.com, Last visited on July 20-26, 2014.
been his fault. Indian laws consider all men as regular sex-offender, women is always treated as a victim. Almost all cases of rape and molestation are fake, everyone knows it, but no one wants to talk of it.

All our laws are framed to favor women. If a man accidentally looks at a woman, then according to Indian laws he is staring and molesting her. As an Indian man, he should stay at least 100 meter away from women because this man would be arrested for touching a woman. Forget about relations, marriage and commitment, think a lot before a man start talking to a woman in India. Because of the one sided laws, many men now-a-days started worrying about marriages. Because he never know, when he will be a rapist or impotent for her wife. If a man do something wrong to woman, it will become a public issue, everyone will come out hold candles, and they say that will you rape or harass your mother and sister and media will do a round table conference in the night with some brain-dead. After sometime, if they found out that the woman is wrong, why no one is talking about that. Finally if you want a peaceful, pleasant and stress less life, better stay single always. Of course, there are some exceptions here.

There is no insufficiency of those women in the modern era, who are misusing these laws for their own benefit. The anomaly is that the modern women are misusing their protective laws more, rather than to use them. Today the need is to enact such laws, under which the women, who entangle their husband and her in-laws in fake cases, can be punished. It is the supreme obligation of the government of India that it will take proper steps in this direction. Considering the modern woman as helpless, is becoming such a weapon for woman that she is using it by filing fake cases and misusing the protective laws.

The society and the government are not taking care of men, who are victims of domestic violence. It is a serious problem worldwide. Domestic violence over men is not punished or treated as an offence under any of the laws. Opposite to it, special provisions given to women for their protection are framed in such a way so as to harass men. This liberalism for women in the society and in the field of law and policies has raised the feeling of jealousy against men. Organizations, in favour of women, have stressed in a single voice to implement the Domestic Violence Act in India. According to them, victims will be empowered by the said Act, and further they will be protected by the Act.
In its latest judgment, the Supreme Court of India has also cleared the picture that women are misusing the laws on large scale. In **K. V. Prakash Babu v. State of Karnataka**, the bench of Justice Dipak Misra and Justice Amitava Roy while hearing an appeal, stated that “The instant appeals reveal a factual score that has the potentiality to shock a sensitive mind and a sincere heart, for the materials brought on record show how suspicion can corrode the rational perception of value of life and cloud the thought of a wife to such an extent, that would persuade her to commit suicide which entail more deaths, that is, of the alleged paramour, her mother and brother who being not able to emotionally cope up with the social humiliation, extinguish their life spark; and ultimately the situation ropes in the husband to face the charge for the offences punishable under Sections 302 and 498A of the Indian Penal Code (IPC) read with Section 3 of the Dowry Prohibition Act, 1961. As the facts would unveil, the husband gets acquitted for the offence under Section 302 IPC but convicted in respect of other two charges by the trial court. In appeal, his conviction under Section 3 of the 1961 Act is annulled but success does not come in his way as regards the offence under Section 498A IPC. And the misery does not end there since in the appeal preferred by the State, he is found guilty of the offence under Section 306 IPC and sentenced to suffer four years rigorous imprisonment and to pay a fine of Rs. 50,000/- to be given to the father of the victim with a default clause. In the course of our adumbration and analysis of facts, it will be uncurtained, how the seed of suspicion grows enormously and the rumours can bring social dishonor and constrain not so thick skinned people who have bound themselves to limitless sorrow by thinking it is best gift of God to man and choose to walk on the path of deliberate death. A sad incident, and a shocking narrative, but we must say, even at the beginning, the appellant-husband has to be acquitted regard being had to the evidence brought on record and the exposition of law in the field.”

Further, the bench, while referring the judgments in case of **Ghusabhai Raisangbhai Chorasiya v. State of Gujarat**, **Giridhar Shankar Tawade v. State of Maharashtra**,  

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Gurnaib Singh v. State of Punjab\textsuperscript{472} and Pinakin Mahipatray Rawal v. State of Gujarat\textsuperscript{473}, said that, “The concept of mental cruelty depends upon the milieu and the strata from which the persons come from and definitely has an individualistic perception regard being had to one's endurance and sensitivity. It is difficult to generalize but certainly it can be appreciated in a set of established facts. Extramarital relationship, per se, or as such would not come within the ambit of Section 498A IPC. It would be an illegal or immoral act, but other ingredients are to be brought home so that it would constitute a criminal offence. There is no denial of the fact that the cruelty need not be physical but a mental torture or abnormal behaviour that amounts to cruelty or harassment in a given case. It will depend upon the facts of the said case. To explicate, solely because the husband is involved in an extramarital relationship and there is some suspicion in the mind of wife, that cannot be regarded as mental cruelty which would attract mental cruelty for satisfying the ingredients of Section 306 IPC. We are absolutely conscious about the presumption engrafted under Section 113A of the Evidence Act. The said provision enables the Court to draw presumption in a particular fact situation when necessary ingredients in order to attract the provision are established. In this regard, we may reproduce a passage from Pinakin Mahipatray Rawal: \textit{Criminal law amendment and the rule of procedure was necessitated so as to meet the social challenge of saving the married woman from being ill-treated or forcing to commit suicide by the husband or his relatives, demanding dowry. Legislative mandate of the section is that when a woman commits suicide within seven years of her marriage and it is shown that her husband or any relative of her husband had subjected her to cruelty as per the terms defined in Section 498A IPC, the court may presume having regard to all other circumstances of the case that such suicide has been abetted by the husband or such person. Though a presumption could be drawn, the burden of proof of showing that such an offence has been committed by the accused under Section 498A IPC is on the prosecution.} We have reproduced the aforesaid passage only to highlight that the Court can take aid of the principles of the statutory presumption. In the instant case, as the evidence would limpidly show, the wife developed a sense of suspicion that her husband was going to the house of Ashwathamma in Village Chelur where he got involved with Deepa, the daughter of Ashwathamma. It has come


on record through various witnesses that the people talked in the locality with regard to the involvement of the appellant with Deepa. It needs to be noted that Deepa, being not able to digest the humiliation, committed suicide. The mother and the brother of Deepa paved the same path. In such a situation, it is extremely difficult to hold that the prosecution has established the charge under Section 498A and the fact that the said cruelty induced the wife to commit suicide. It is manifest that the wife was guided by the rumour that aggravated her suspicion which has no boundary. The seed of suspicion planted in mind brought the eventual tragedy. But such an event will not constitute the offence or establish the guilt of the accused-appellant under Section 306 of the IPC. Having said that we intend to make it clear that if the husband gets involved in an extramarital affair that may not in all circumstances invite conviction under Section 306 of the IPC but definitely that can be a ground for divorce or other reliefs in a matrimonial dispute under other enactments. And we so clarify. The conviction under Sections 306 and 498A of the IPC is set aside. The appellant be set at liberty unless his detention is required in connection with any other case.”

Not only special rights of women are misused, but the special laws for women are also misused by them. Something should be done so that the innocent will not be punished. The courts itself admitted many times that often women file false cases in vengeance and the laws enacted for the protection of women rights are becoming the weapons of harassment of innocent men. It is said in history that once there was an era, in which the power was with women. Then the time changed, and power came in the hands of men. Today, when women are getting the power of law, they are repeating the history by misusing that power over men.

Chapter six has dealt with the series of cases, decided from the Apex Court of India to High Courts of almost all states. These cases are the proof of the fact that women in one or the other form as a wife, family member, colleague, employee, neighbour are harassing men. It is the intellectuality of the judges that they have considered that women, which was earlier deemed to be the weaker section, is currently on the much stronger footing than men, as they have a number of specific special laws for saving their interests. Judges, including of the Supreme Court of India, have admitted that men are harassed by women through the misuse of specific provisions of law.
Our system allows accused to be on the run from a government setup (Police) and ask for reprieve from another Government setup (Courts), while he is in hiding. So next time, when one read newspapers that a person is escaping arrest after an FIR, he should not assume he (escaped person) is guilty. Even if a FIR is false, if Police is able to catch him in a non-bailable case, he will be jailed first and asked for reasons later. Feminist organizations have unequivocally and unanimously hailed the implementation of the Domestic Violence (DV) Act in India. They claim that this law will empower victims and protect them from abuse. Most people in their right state of mind would agree that domestic violence in a relationship is not acceptable.

The simplest way to harass is to get the husband and his relatives arrested. A bench, comprising of Justice C. K. Prasad and Justice P. K. Ghose issued directions that restrain police from automatic arrests on the mere lodging of a complaint. Police must first “satisfy themselves about the necessity of arrest, and then get a magistrate to sanction the arrest”. The new directions apply to not just section 498-A, but any arrest that carries a sentence of less than seven years in jail. Supreme Court has observed section 498A has “dubious pride of place among the provisions that are used as weapons rather than shield by disgruntled wives”. Section 498A regarding marriage disputes has been getting a bad rap in recent times over allegations of its misuse.

A sustained anti-dowry movement resulted in an expanded definition of dowry to include inducements given before and after marriage, the shift of the burden of proof to the person being prosecuted, mandatory police investigation into all dowry complaints and penal sections to deal with cruelty by the husband and his kin. Dowry deaths had become so frequent that any unnatural death of a woman within seven years of marriage was deemed to be grounds for investigation under the new law. Despite these stringent provisions, the practice of giving dowry and dowry deaths, continue.

The threat of an arrest might be effective, but once an arrest is made, then husbands don’t care. So, it’s a bad strategy. Terror cases result in acquittals after dragging on for 15 years. But, does anyone suggest that we get rid of terror laws? The IPC already has provisions against those, who file false complaints. False information with the intent to cause a public servant to use his

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lawful powers to cause injury to another person is punishable by six months in jail. Lawyers have, by and large, welcomed the Supreme Court judgment that asks for an inquiry before arrest into all offences that carry less than sentences less than seven years in jail. It basically tells cops that they must do their job and conduct investigations before an arrest. Yet, everyone agrees that the misuse of a law, regardless of why it happens, is bad.

7.2. Suggestions

After completing the whole study and analysis over the problem, the following suggestions can be made for resolving of the problem and betterment of men in comparison to women, legally, socially, mentally, economically and politically:

1. Need of “an effective Act” to safeguard the interests of men:

Every year more 62,000 married men are committing suicide in the country. Often we hear news of men committing suicide after the police forces them to stay with their abusive wives, else the police threaten them with arrest. There is no social acceptance of a harassed and victimised man. Often when men share their problems, they are ridiculed and belittled by society. Hence, society and the government need to understand this, and for it a law for the protection of harassed males, specially for husbands, is required.

Study of INSAAF, a research organisation, has also taken into account the scale and propensity of abuse of the husbands and males partners in India and compared that to worldwide abuse numbers. They have concluded that in more than 50 % of cases, wives and females also initiated fights, which led to attacks on their male partners. They (male partners) are hopeful that some action will be taken after the Rajya Sabha discusses this issue. In August, 2012, the organisation met with at least 40 members of Parliament, who echoed their concerns and felt the need of such an Act. The draft bill was also sent as a petition to the Rajya Sabha by the NGOs at that time.

2. Investigate before making arrest of the husband:

The Supreme Court verdict on Section 498A, IPC, that police have to investigate before arresting the accused, had sparked a debate in Kolkata (West Bengal). While women's rights groups feared, it might weaken battered wife’s only remedy against abuse and torture, legal experts felt, it would help prevent misuse of the law and made it more balanced. West Bengal is a lab case for Section 498A, IPC. A whopping 32,484 cases were registered in the state 2015, but led to only 2.5 % convictions. This had been the trend for the last few years. These figures indicate that an alteration was necessary. In 83 % of the registered complaints, the charges were fabricated or exaggerated. There had been numerous instances, where members of the husband's family, who live abroad or in other cities, had been arrested. Such a law cannot exist without an amendment.

Vast majority of complainants were from urban areas, where many case were lodged by women "to teach their husbands and in-laws a lesson". Thousands of women in rural interiors, who face genuine abuse, neither know about the law nor have the access to police and lawyers. We need Section 498A, IPC for women, who are abused and tortured. But, we also need to make sure that it is not misused. False complaints are lodged too often, leading to family break-ups. Eventually, it's not just the husband, who suffers in such cases, but also the wife. This provision for an enquiry will help stop that.

We all know that police won't make any effort to arrest even a genuine offender. They could be bribed to scrap or fudge an enquiry. More importantly, how can one find evidence for psychological torture, which is very important in Section 498A? It is better to make some investigation before arresting the accused because in many cases, particularly in urban areas, women take advantage of this law. They make false allegations and the in-laws have to suffer. Since S.498A, IPC is non-cognizable, non-bailable and non-compoundable, a 498A case cannot be withdrawn by the complainant. There are many couples, who are still fighting the 498A case years after their differences were resolved.

But why does Bengal top the list of 498A cases? It is because of changing values of Bengali women. There is great deal of disharmony in families with saas-bahu relations. The daughter-in-law files a 498A complaint to teach her husband and mother-in-law a lesson, but eventually the complaint turns out to be too costly for both parties. Sourav Ganguly, a lawyer at Kolkata with an expertise in handling 498A cases, said that, it was a common practice by the prosecution specially in this part of the country (West Bengal) that an accused was forwarded before a Magistrate along with a document commonly known as the “Forwarding Report”, while dealing with the question of detaining the accused for a period of more than 24 hours only deals with the forwarding report, the written complaint, the formal F.I.R prepared by the Police, the arrest memo, medical report of the accused and sometimes with the seizure list if supplied by the prosecution.

After that apex court judgment, the magistrate has to apply his judicial mind to determine whether the circumstance justify detention of the accused in police custody. Police custody being an infringement of liberty should not be ordered as a matter of course, as the law has for his protection provided for the compulsory production of a person before a Magistrate either 24 hours of his arrest and this constitutional right has been given "to prevent arrest and detention with a view to extract confession" and "to afford an early recourse to a judicial officer independent of the police on all questions of bail or discharge. Section 167, Cr.P.C. has given him full discretion to order detention in such custody as the Magistrate thinks fit, but if detention in police custody is ordered, he must record his reasons under section 167 (3), Cr.P.C. It will also prevent marital splits on flimsy grounds.

I.G. of Indore (Madhya Pradesh), Vipin Mahashwari, announced a very unique order on 11th June, 2014. He ordered that 498-A cases would not be recorded in normal way. He said that firstly, the case would be examined, then the counseling would be made, and only then the case would be recorded if the evidence were found, otherwise not. Further, he said that cunning ladies were misusing that law.

Supreme Court of India has pronounced a landmark judgment on 02\textsuperscript{nd} July, 2014. That judgment was welcomed by the persons, related to men’s right movement, and protested by the persons, related to women’s right movement. But, many persons in arguments on TV Channels admitted it that s. 498A, I.P.C. is misused continuously. S. 498A was the law, which was enacted to prevent the evil custom of dowry. Receiving and giving dowry is a social evil; and both the parties, giving and receiving dowry should be strongly punished. The main element of this section was that just after lodging of F.I.R., whole family including the husband was arrested and relatives residing far away were also included in that. The problem created, when the misuse of the law rose. Cases of harassment for dowry were more registered and proving rate of the crime got decreased. In most of the cases for divorce, harassment for dowry is mostly used as a reason. Case for dowry is only made, as the relations become sour, and lesson have to be taught. Because when the case for dowry is recorded, s.125, Cr.P.C., s.406, I.P.C. and the incidents like domestic violence are also included in it, which is not only the financial loss, but also break down the husband mentally and physically. Even after the pronouncement of the judgment, men are seen with the doubt. Often men do not tolerate all this, and take the decision of suicide. The data till date collected shows that around 65,000 married men are committing suicide every year, and the rate is raising every year.

Man and woman are the two wheels, which should run together, so that humanity will develop. Both are the very important link of the nature. Judgment of the Supreme Court is worthy of welcome. Voice of the men’s right movement was listened, which had not been heard, but the many destinations are still left. On the side of solution, first we have to understand that man and woman are both equal. We have to come out of the misconception that only men can harass women. If someone harass for dowry, then he will be punished, but the justice should be done very fast within a year. Some organization, like Ministry for Men, should be constituted, which can think about the interests of men and study about the situation of men. A sub-section should be added to S.498 A, I.P.C., which will create a fear for those, who misuse the section. In addition to this, money given in the form of maintenance should be returned along with the interest, if the case under S. 498 A, I.P.C. will be proved as fake and false. To run these two wheels of the society together, both should respect each other. Society should also be serious towards the crime. Supporters of women are requested not to consider every man as tyrant. Every man is father, brother and husband, as every woman is mother, sister, daughter and wife. It
is in the interest of the society to consider the value of each and every relation. Laws should be
good and strong, but their misuse is much bigger crime than the crime.

3. Suggestions specifically for s. 498A, I.P.C.:

A stringent law in this relation should be enacted by the parliament for the purpose of
punishing women, who act with wrong intention and attempt to mislead the judicial system. As s.
498A is cognizable and non-bailable offence, the husband has less chances to get justice
speedily, which is similar as ‘justice delayed is justice denied’. Women working in NGOs
should not instigate women to file frivolous complaints; rather they should assist in fighting
against fake complaints. Trivial matters should be dealt in summary way. The wife and her
relatives should be told about the results of the misuse of the special laws by women. It is seen
that the husband and his relatives are made bound to present in the court for defending their case
till the judgment of the case under s. 498A. Finally, even if the judgment comes against the wife,
the psychological and monetary loss suffered during the entire procedure makes the moment
disgraceful. Therefore, the courts should settle the matter in a very speedy and proper manner.
For this purpose, a special provision should be inserted in the existing law so as to fix the
maximum period for disposing of the case by the court. Husband and his relatives should only be
ordered to present before the court when needed, otherwise not. Some terms and provisions
should also be interpreted in the manner, in which our parliament wanted to be interpreted at
the time of enactment of the law, which will remove the doubts and confusions regarding those
laws.

It has been shown in different instances that the law is biased. To deal with the present
degraded situation, law should be enacted and implemented unbiased. Further, there should be
some fine for lodging fake complaints and reporting false matters. Therefore, some liberal view
should be there. Husbands have no centers and commissions, as women have. Some centers and
commissions should be constituted all over the country for counseling the harassed husbands.

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243^rd Report of Law Commission on Section 498A, I.P.C.
There is a need to make amendments in Constitution and all the laws, by viewing the style of commission of offences. Many cases of misuse of s. 498A, I.P.C. by corrupt mentality peoples are listened and seen after the amendment in dowry related laws. The Law Commission constituted a committee on the directions of the Ministry of Home Affairs for amending these laws, after the Supreme Court of India had made strong comments over such misuse of laws. The committee had invited the views, suggestions and objections from general public, non-government organizations, organizations and advocates. Some of the suggestions for preventing the misuse of s. 498A are below mentioned:

A. Some sub-sections should be added to s.498A, so that the accused cannot save himself and some innocent will not get punished.
B. S. 498B should also be enacted with s. 498A, which contain provisions relating to the abolition of the caste system and gautra system alongwith the dowry system.
C. If the husband and wife are living separate from the family of the husband, and dispute arises between husband and wife, then the family members of the husband should not be punished merely because they are the relatives of the husband. Their name should not be included in the complaint or F.I.R.
D. If some members of the husband’s family are suffering from any disease and are incapable for maintaining themselves or are minor, especially below the age of 14 years, then their names should not be included in the complaint or F.I.R., unless they are seen to be involved after the completion of the investigation.
E. The punishment under s. 498A is sufficient at present, but the charge sheet of s. 498A should be submitted within 180 days. The cases of s. 498A should be disposed of within five years by all the three sessions, i.e. within 18 months each from District Court, High Court and Supreme Court.
F. Husband and wife should be awarded with a decree of divorce immediately after their application for the same, if they have been living separately for a period of one year. If the court will perform in such way, then both husband and wife will get a new life. This will also result into the decrease of the number of suicides, committed by

479 www.rksirfираa.blogspot.in, Last visited on March 15, 2015
husband. Our country should adopt the laws and the logics behind them from any of the developed nations, where the cases are disposed of in a very speedy manner, whether the dispute is of domestic violence or of divorce or some other.

G. The cases under s. 498A should be filed within a maximum period of 90 days. It is generally seen that the wife and her parents bargain with the husband and his relatives and demand a heavy amount for compounding the case under s. 498A. They file a case relating to cruelty for the demand of dowry under s. 498A only when they fail to bargain. Therefore, the limitation period for filing the case under s. 498A should be decreased, so that wife and her parents will not misuse the length of the limitation period for filing case under s. 498A.

H. The husband should only be arrested immediately, if he has bitten on the private parts of the wife, assaulted on private parts with deadly weapons, given medicine for the purpose of intoxication, forced her to adopt prostitution, taken obscene photos or videos, which he has also uploaded on the internet or any other media or has done any act, due to which she has lost her mental balance and force to commit suicide. In any other case, a proper opportunity should be provided with to the husband and he should not be arrested immediately on reporting of the matter by the wife. In many cases, it is seen that wife herself bite on her private parts, brand herself with cigarette or iron to just entangle her husband in the case of cruelty for the demand of dowry.

I. The case should not be recorded for the demand of general domestic use articles or for the articles, which are given with one’s own will and wish.

J. In marital matters, police should investigate at the place of husband and wife from the neighbours and society, before recording the case under s 498A. If the case is registered against the husband, then police should behave in a friendly manner because the husband is not a professional offender. Police should not waste the time and work of any civilized person by calling him regularly to the police station.

K. Police should have a separate department for dealing the cases of marital affairs. Ordinary police officers cannot behave in such a manner that the case will resolve in a peaceful manner. This special department in the police should have a psychologist, who will listen both husband and wife. Whole proceedings should be done under camera. Both the parties should be provided with the copy of any complaint or
decision. Smt. Kiran Bedi has hosted a program, namely “Aapki Kachahri”, in this regard.

L. If strong evidences are not available, then the alleged persons shall be granted bail. The judges should also act in impartial manner.

M. Gifts and articles of domestic use should be given with the consent of both the parties, i.e. husband and wife. A list should be made, in which all the articles given due to marriage will be enlisted. This list should also contain a statement that all the articles enlisted in the list are given with free consent of the giver and without any type of force, fraud, promise, threat or inducement and it should be signed by both the parties. It should be taken care of that those articles, which are never given from the side of wife, should not be mentioned in the list.

N. The matter of stridhan should be resolved by mediation. It is seen many times that wife’s parents spent a huge amount on the marriage their daughter, without having the capacity. They actually invest the black money behind the marriage. The source of income of the parents of wife should be investigated by the Department of Income Tax or C.B.I., so that the use of black money in the sacred ceremony of marriage will be prohibited.

O. The interference of the parents of wife, especially of the mother of the wife, in the marital life of husband and wife should be stopped with immediate effect. Generally, the wife ask from her mother about the solution of any difficulty, if arise in the former’s domestic works. Gradually, mother starts to advice her daughter for one or the other matter, which leads to unhealthy interference in the daily life of husband and wife. After some time mother spoils the home of her daughter totally. Now-a-days, mother wants to put her married daughter at the former’s home and instigates the latter to file a case of dowry or cruelty or domestic violence against the latter’s husband and her in-laws. So that heavy amount can be claimed from them for the compromise. Daughters are made the mode of earning money, which raises the number of divorce cases. Such parents of wife should be punished, who spoil or attempted to spoil the house of their daughter by unauthorized interference.

P. Sometimes wife has extra marital affairs and she wants to leave her husband. Then she creates a fake story and report the matter to the police, so that she will take
divorce from her husband. Court should pay attention towards such cases and should not award divorce to wife. Why husband should be punished for no fault of his?

But, the society and the aggrieved person cannot get benefit by just making few amendments in the law. The executive body should also work with the same intention, as the legislative body had, when the latter had enacted the law. The above stated suggestions, if followed, then surely these will give better results. The effect of the enforcement of these suggestions will be that the exploitation and harassment of men will be stopped and the actual offender will not escape.

4. Suggestions for the check on misuse of laws:

Suggestion for controlling the false cases of dowry demand and domestic violence is that first of all, we should have to control the cases of maintenance because –

- Maintenance is main cause of rising of the false cases of dowry demand and domestic violence.
- Due to case for maintenance husband’s money is used against him.
- After providing the maintenance, case against husband does not ended up, rather it becomes more dangerous.

Few days before, I was in the Supreme Court. I saw there that one woman, aged around 55 years, was abusing against a father and his son. Latter were silent and hearing all that. According to their age, I found that there case was one of the family cases. When I talked with that father and his son, I came to know that that boy was suffering from polio and 70% handicapped, and paying Rs. 20,000/- per month as maintenance, and that’s why that lady and her daughter was behaving like that.

Some people believed that it is foolishness to left the job by husband, but one should see towards the situation of those husbands, who are paying their hard earned money as the maintenance, while doing their jobs. Now, they can’t revert back from their decision. Husband earn money after doing hard work and later on, allowed others to use that money against himself in the form of cases of dowry demand and domestic violence. Its better that he should have done
some other job and nothing keep in his own name. If, they (husbands) would have used their energy in preventing the misuse of laws against themselves, then the situation would not be so worst. If husband not provide the maintenance to his wife due to some legal reason, of course by twisting the law, then the message will be sent to far away in the society. When the people will get nothing like maintenance, then they will think thousand times before filing a case for maintenance against the husband. The most beautiful achievement will be that the public will be inspired fight against the false cases, instead of paying the maintenance as a routine matter.

When a woman cries out foul, she is not always speaking up against the tyrannies of patriarchy. Sometimes, she is faking it – manipulating the law to cover up for her extortionist tactics. Section 498-A of I.P.C. meant to protect a woman, being harassed by her husband or his family, particularly for dowry, is increasingly being used to blackmail unsuspecting families. Priya Hingorani, former Vice President, Supreme Court Bar Association, had also alarmed at the misuse of this law. According to her, the percentage of “con women” is still miniscule. There is no point in making sweeping generalizations about a law that has protected a lot of distressed women. She suggested that the offence be made bailable, in order that innocent families don’t unwittingly suffer. A heated argument over trivial is enough for the wife to slap on charges of dowry and domestic violence. In a situation, where the wife is driven purely by greed, it is important to expose her intentions systematically.

A latest case law on this point is Govindaswamy v. State of Kerala, in which the Bench of the Supreme Court of India, comprising Justice Ranjan Gogoi, Justice Prafulla C. Pant and Justice Uday Umesh Lalit, took sue moto action after a blog published by retired Justice Markandey Katju in facebook. The Bench, while relying on Bassappa v. State and Joginder Singh v. State of Punjab, commented that, “Review of a judgment in a criminal proceeding is provided for by the Supreme Court Rules, 2013 (Part IV Order XLVII] is only in a situation where there is an error apparent on the face of the record. What is an error apparent on the face

480 Criminal Appeal Nos. 1584-1585 of 2014, Decided on Nov. 11, 2016.
481 AIR 1980 Mysore 228
482 1980 (1) SCC 493
of the record need not detain the Court. Suffice it will be to say that an error which is sought to be established by a long process of reasoning would not be such an error. This is an aspect that will have to be kept in mind while we proceed to consider the very elaborate arguments advanced by the learned counsels for the State of Kerala and the mother of victim and the assistance offered/rendered by Mr. Justice Markandey Katju at our request. The views of Justice Katju are in no way in addition to or different from what has been argued by Shri K.T.S. Tulsi, learned senior counsel and Shri Mukul Rohatgi, learned Attorney General on behalf of the State of Kerala in the Review Petition filed by the State and also Shri Ahmadi and Shri Luthra learned senior counsel appearing for the review petitioner in Review Petition D. No. 32189/2016 i.e. the mother of the unfortunate victim. Though there are several limbs of the arguments advanced, the area of concentration may be conveniently compartmentalized into two. First, it is urged that the Court has erred in relying on inadmissible evidence being the hearsay evidence of P.W.4 (Tomy Devassia) and P.W.40 (Abdul Shukkur). It is contended that such hearsay evidence ought to have been rejected summarily and could not have gone into the process of determination of the culpability of the accused as has been done in the impugned judgment. The issue with regard to hearsay evidence centers round a part of the deposition of P.W. 4 and P.W. 40 who testified before the Court in their examination-in-chief that though they wanted to stop the moving train by pulling the alarm chain they were dissuaded by a middleaged man who was standing at the door of the compartment by saying that the victim/girl had jumped out from the train and escaped and that she was alive. The Court in its judgment dated 15th September, 2016 took the aforesaid part of the deposition as a piece of relevant material for adjudication of the issue before it and held that on the face of the aforesaid evidence Injury No.2 cannot be ascribed to the accused. According to the medical evidence placed on record by the prosecution Injury No.1 (the involvement of the accused in respect of which there is no doubt) coupled with Injury No.2 had led to the death of the victim girl. The very elaborate argument advanced on this score is capable of being answered by a reference to Section 6 and Illustration (a) thereof of the Evidence Act, 1872 which engrafts in the Evidence Act the principle of res gestae. The statement made by the middleaged man to P.Ws.4 and 40 being contemporaneous and spontaneous and that also being the prosecution case and no attempt having been made to discredit this part of the evidence tendered, we are of the view that in a case where the liability of the accused is to be judged on the touchstone of the circumstantial evidence the aforesaid part of the deposition of P.Ws. 4 and
40 must go into the process of determination of the culpability of the accused to rule out any other hypothesis inconsistent with the guilt of the accused. The next limb of the case projected before the Court at this stage is that the offence of murder falls within the Third and Fourth clause of Section 300 of the Indian Penal Code, 1860 ("IPC" for short). In this regard, reliance, on the earlier date of hearing, was placed by Shri Mukul Rohatgi, learned Attorney General for India on two decisions; one reported in the case of Bassappa and others v. State,483 and another decision of this Court reported in Joginder Singh and another v. State of Punjab.484 It is submitted, relying on the said judgments, that even if the controversy as to whether the deceased was pushed or had voluntarily jumped is to be answered in favour of the accused, the said accused would still be liable for Injury No. 2.”

The Bench further stated that, “In Bassappa and others v. State, the Mysore High Court was confronted with a situation where the deceased was on the roof of the house of accused No.3 along with P.W.2, watching the burning haystacks belonging to the accused. The accused perceived that the deceased and P.W.2 were enjoying the misery of the accused whose haystacks were burning. There was a history of previous enmity between the parties. Apparently, at the spot i.e. roof of the house, the accused assaulted the deceased on the nape of the neck with sharpedged weapons whereupon the deceased jumped from the roof. Thereafter, the accused threw the deceased into the burning haystacks. The medical opinion in the case was inconclusive, namely, whether the death was caused by the wounds sustained by sharpedged weapons or from the fall or from burning. The High Court doubted the evidence of P.W. 1, the doctor so far as cause of death due to jumping by the accused from the roof is concerned. However, it held that even if the said evidence is to be accepted the accused would still be guilty of murder. The reasoning appears to be that though the three circumstances in which death had occurred are different, yet, having regard to the close proximity of time in which they had occurred and the inter connection between the same the three incidents may be taken as one. What cannot be ignored is that in the Mysore case intention to cause death or atleast a bodily injury to bring the case within the third and fourth clause of Section 300 is more than evident from the injuries caused by the accused on the nape of the neck by sharp weapons or by throwing the victim in to

483 AIR 1980 Mysore 228
484 (1980) 1 SCC 493
the burning haystack. It is on the said basis that the conclusion holding the accused guilty under Section 302 IPC was returned by the High Court. We do not see how the said judgment can have any application to the facts of the present case wherein the role of the accused in causing injury No. 2 by pushing the victim out of train is not free from doubt and the medical opinion is to the effect that Injury NO. 1, by itself, was not sufficient to cause death. In Joginder Singh and another v. State of Punjab, the accused apparently chased the deceased with dangerous weapons across a field. At the distance of about 1520 feet from the accused, the deceased jumped into a Well, hit his head on the side of the wall of the Well and drowned himself. This Court while deciding the culpability of the deceased in the aforesaid circumstances of the offence of murder exonerated the accused by recording the view that we will now deal with the death of Rupinder Singh. After Kuldip Singh was attacked, Rupinder Singh ran from his house towards the fields. He was followed, apparently chased by Joginder Singh and Balwinder Singh. According to PW 1, Rupinder Singh jumped into a well 'in order to save himself'. Joginder Singh and Balwinder Singh were about 15 to 20 feet from Rupinder Singh when he jumped into the well. It is not the case of the prosecution nor is there any evidence to justify such a case, that the accused drove Rupinder Singh to jump into the well leaving him no option except to do so. From the evidence of PW 1 we are unable to get a clear picture of this part of the incident. It is not the case of the prosecution that Rupinder Singh was beaten on the head and then thrown into the well. According to the medical evidence he received an injury on the head which made him lose consciousness and thereafter he died of asphyxia, due to drowning. Apparently when Rupinder Singh jumped into the well his head hit a hard substance with the result that he lost consciousness and thereafter died of asphyxia. In the circumstances of the case we are unable to say that the death of Rupinder Singh was homicidal, though we are conscious of the fact that what induced Rupinder Singh to jump into the well was the circumstance that Joginder Singh and Balwinder Singh were following him closely. If we were satisfied that Joginder Singh and Balwinder Singh drove him to jump into the well without the option of pursuing any other course, the result might have been different. As the evidence stands we are unable to hold that the death of Rupinder Singh was caused by the doing of an act by Joginder Singh and Balwinder Singh with the intention or knowledge specified in Section 299, Indian Penal Code. Joginder Singh and Balwinder Singh are, therefore, entitled to be acquitted of the charge of murdering Rupinder Singh. No other decision has been pointed out to us. In this regard, we may also
usefully notice the provisions of Section 113A of the Indian Evidence Act, 1872 which engrafts the principle of presumption to be drawn from the acts of cruelty in order to hold a husband guilty of abetment of suicide by the wife. The legislative wisdom has not engrafted any such principle of presumption insofar as the offence of murder is concerned. Though the scope of the present review petitions is confined to the above two questions, certain incidental questions, including an alleged confessional statement made by the accused before P.W. 47 were also urged. Suffice it will be to say that the aforesaid extrajudicial confession cannot inspire confidence of the Court because of the circumstances surrounding the same. It is perhaps for this reason that the said plea was not advanced before us by the learned State counsel in the course of hearing of the main appeal. Consequently and for the reasons aforesaid, the review petitions filed by the State of Kerala and the mother of victim and also the suo motu review petition entertained by us have to fail and are dismissed. We order accordingly. We record our deep appreciation to Mr. Justice Markandey Katju, former judge of this Court for the assistance rendered to the Court.”

5. Plug loopholes of the laws related to dowry:

The Supreme Court had asked the legislature to find ways for plugging the loopholes in the law against “false” dowry complaints against the in-laws and husband by a woman in view of the increasing number of such cases coming to courts, but refused to strike down section 498A of the Indian Penal Code (IPC) dealing with such complaints. While disposing of a public interest litigation (PIL) on the issue, a bench, comprising of Mr. Justice Arijit Pasayat and Mr. Justice H. K. Sema had said that, “merely because the provision of section 498A is constitutional and intra vires, does not give a license to unscrupulous persons to wreck personal vendetta or unleash harassment (of in-laws and husband). 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. But, the court rejected the plea of striking down the provision of section 498A made in the PIL, saying that as long as the legislature comes out with a remedy, till then the courts have to take care of the situation within the existing framework.”

While noting that the object of the provision of Section 498A is to strike at the root of dowry menace, the court had said that, “it had also been rightly pointed out in the PIL that many instances had come to light, where the complaints by the so-called dowry victims were not bonafide and have been filed with oblique motive. In such cases, the acquittal by courts of the accused persons after a long legal proceedings did not wipe out the ignominy suffered during and prior to the trial by them.” Describing such misuse of law as legal terrorism, the court had said that no one could be allowed to unleash frivolous proceedings on this count as the provisions of section 498-A “is intended to be used as shield (a woman against harassment) not as an assassin’s weapon.” The PIL was filed by Sushil Kumar Sharma in the wake of the Delhi High Court judgment in a false dowry case, in which it had expressed concern over a sudden rise in frivolous dowry complaints.

Section 498 deals with complaints by a married woman against her husband, in-laws and his relatives about harassment and ill-treatment on demand of dowry. In a guideline to the courts below as how frivolous dowry complaints should be dealing with, the apex court had said that there was no question of the investigating agencies and the courts taking such complaints lightly and dealing with them casually. The investigating agencies and trial courts have to take note of the fact that the “ultimate objective of every legal system is to arrive at the truth. Punish the guilty and protect the innocent. There is no scope for any pre-conceived motion or view on this,” the court observed.

6. Need to constitute the Commission for Men:

In the modern era, harassment of men has started by misusing s. 498A, I.P.C. or some other reasons by educated women. Many men have started to consider themselves as helpless and unprotected. This is the reason, why the demands for the constitution of the commission for men similar to the commission for women are raising. “Association for the Welfare of Husband-Wife and Family” and “National Coalition of Men” (N.C.M.), a group of 50 volunteer organizations, raised the voice in this direction. They also demanded for the constitution of the

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task force, Ministry for Men and the Commission for Men, so that the women, who were forcing the men to commit suicide should be punished. Taking strong steps, N.C.M. also declared their memorandum for the election, in which they included 10 points, demanding to stop harassment of men.

According to the President of the association, Indu Subhash, the government is enacting laws for the protection of women, but there is no law for the protection of the rights of men. Men are harassed by creating so many gender biased laws. In the modern era of the empowerment of women, rights of men are ignored. Consequently, men are committing suicide daily, joint families are breaking, marriages are dissolving. As per the data of N.C.R.B. between 2004 to 2014, men are committing suicide in double the number of women due to the family disputes. Through the memorandum, declared by the association, rights of men were demanded, so that the government would enact laws for men and their harassment would be stopped. While declaring the memorandum, the President of N.C.M., Amit Gupta, said that if their demands were ignored, then they would make a political party and join the election in 2014, and fight for the rights of men. He also said that all the categories from the society should take the steps for eradicating such biasness from the society, so that harassment would not be done over men or women, there would be no discrimination on the basis of sex and the joint families would be saved.

Amitabh Thakur, I.G. (Civil Defence), Uttar Pradesh Police, was oppressed by a lady officer. In that matter, he filed a petition in Uttar Pradesh High Court on 08th Sep., 2014, requesting for constituting a Commission for Men. On his petition, high court asked him that from whom he was oppressed. In that regard, he told that his lady officer had the ideology against men and he would put her example before high court. He further told that he had complained a lot of time against his senior lady officer, but no cognizance was ever taken. Due to that reason, the environment of insecurity prevails. Not only that, he frightened from other lady colleagues also.

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I.G. said that as for hearing and understanding the problems of women, women are kept in the commission, on the same ground experienced men should be kept in the commission for men, who can fight for the rights of men. According to him, only experienced men can do the right decision. As strong new law is made for women, there should also be stringent law for men, so that no woman can harass and exploit any man. He further added that often it seems that man has entangled in some case and at last, when he is proved as innocent, till then it is too late because he has lost his social image and status till that time. He told that when he filed the petition for constituting a commission for men, then a lot of persons came to meet him, who were oppressed by women in one or other case. Out of all of them, dowry related cases were the maximum, and after that the cases of eve-teasing were maximum, in which they were willingly entangled by women. Many persons contacted Amitabh through facebook and phone. Some persons called him from foreign countries and offered him for financial help. Many organizations also contacted him. Around 20 such organizations were ready to join in his that petition. Many persons also met him before filing that petition, and said to him that in comparison to men, women were much oppressed. But in the changing environment, such cases are also coming, in which women of influential status are also oppressing men.

Now-a-days number of men, victimized of mental and physical violence due to marital relations, domestic violence and family dispute, is rising. A scheme named as “Save Indian Family” was started in Delhi to give relief from exploitation to men. Many states like Madhya Pradesh, Delhi, Maharashtra, Uttar Pradesh, West Bengal and Chattisgarh have started the helpline for the same purpose. Misuse of stringent laws, enacted for providing the protection to women and their rights, made the life of men and their family members hell. Even the Supreme Court of India has admitted the fact that women favoured laws are used as deadly weapons against men and Dowry Prohibition Act, Domestic Violence Act and S. 498A, I.P.C. are one of them. Due to rising cases of misuse of these laws, the Supreme Court has expressed the need to amend S. 498A, I.P.C. and said that the instant arrest should not be made in the cases of cruelty for dowry. In such cases, first charges should be confirmed and then the action should be taken.

It is known that S. 498A for cruelty for dowry and S. 304B for dowry death was added in the year 1984. The purpose of these sections was to give relief to women, but these have been misused much. In the year 2012, 3,988 cases, the highest were being reported only at Madhya
Pradesh. Out of those cases, the conviction was made only in 697. Rest of the cases were proved false. It is normal for women to strangle men in false cases of dowry and domestic violence. Some laws are become such a problem for men that only in Jabalpur 4500 husbands were absconded and not found till now, after reporting of complaints by their wives in last five years. In fact, there is no other option come to the mind of men other than absconding from home or committing suicide to save themselves from the difficulties, in addition to the arrest, which come after the reporting of complaint by wives at police station. In the year 2012, 1554 men committed suicide only at Madhya Pradesh due to conflict with wives.

I.G. (Uttar Pradesh), Amitabh Thakur, has filed a petition at High Court for the constitution of the Commission for Men. I.G. said that in the changing scenario, women are more empowered than men in many fields. Incidents of exploitation by misusing the influence and laws by women are being reported by men. So, he requested the High Court to give direction for the constitution of the Commission for Men at state and national level. It is anomaly that all the laws are for protection of women and the number of men, exploited by them, is also not less. A lady at Bhopal returned to her parental home just after 45 days of the marriage. Her obstinacy was that her husband would deposit Rs. 5 lakhs in her account. After counseling both were compromised on the condition that the husband would gave her a fixed deposit of Rs. 50,000, a separate house and an insurance policy of Rs. 50,000. But, after making the arrangements as compromised, when he went to take her back, she got hostile at the consultation centre and got arrested the husband after reporting a false case. Yet, according to a decision of the Family Court, on calling to the consultation centre, no party can be arrested without being heard. But, in the abovesaid case, the husband was arrested without being heard. Suddenly he became serious after hearing his news of arrest. Police admitted him to the hospital, from where he was taken to the court, and the court granted him bail due to his serious condition.

This truth is disclosed in various cases that if the wife do not want to stay at the house of her in-laws, then she give false statements to live with her husband and separate from her husband’s family members. If the husband does not agree with her, then she threatens him to strangle him in the false case of dowry. Even newly married wives, along with the wives with children, come forward to report the false complaints. In one more case, a civil engineer did the love marriage. After marriage, the father of the wife got designed his house from the son-in-law
engineer, and also taken Rs. 10 lakhs from him as financial help. When the husband went to take his wife, the family members of the wife beat him very much. In addition to that, the wife reported to the police that her in-laws were demanding for the dowry, while she said to him that she did that marriage only to extort money from him. After that, police had taken action over him and he was struggling to prove that he was innocent.

According to our parliament, violence is done only with women, victim of injustice and exploitation are only women and only they need protection. While, according to an organization of Pune, “Men’s Rights Association”, 99% of the victim men can not disclose such incidents, as they feel ashamed and feared. There should be law to save men from exploitation. Often in cases relating to dowry, during the counseling it is found that the wife has complained just due to the family annoyance. Such cases are withdrawn. On finding the case false, the judiciary should take penal action over the wife, who made the false complaint. But, our judiciary does not take any cognizance on it due to the voluminous pending cases on the courts. As the judiciary is not interested to take necessary action in such cases, these cases are rising day by day.

All are known to the fact that all laws are in favour of men. After a little dispute, the life of men is destroyed by the women, and the former is bound to live in hell. Our judiciary has the knowledge of the misuse of laws by women. But, our government never took this fact into consideration. State Commission for Women and National Commission for Women are also limited upto the protection of women only. It is to be considered that when there is something wrong with women, they are provided with the security. Why this is not done also in the cases of men? For keeping peace in the family, there should be harmony between the husband, wife and family members of the husband. But, now-a-days, there is lack of coordination between the couples. That is why the existence of the family is in danger. Woman is standing before man as his opposition. Well wishers of woman are instigating her against man and she is considering her success of life in walking against man on the way of equality and independence.

It is to be mentioned here that Delhi-based organization, Save Indian Family launched a helpline number – 08882498498 and a android mobile application – SIFONE at national level for the harassed men. Through these modes, men can report the case of misuse of law by women and the victim men are helped free of cost. The headquarter of this organization, established in the
year 2005, is in Delhi. Its various branches are working at Hyderabad, Chennai, Bengaluru, Trishur, Kolkata, Pune, Mumbai and Faridabad. Other than these, its representatives are also working in 20 cities. Now, Indore-based organization, “Forum Against Misuse of Section 498A”, is also joined the mission. On the same way, “BAI” (Bhopal Against Injustice) named organization has also started its services at the capital of Madhya Pradesh, Bhopal. The organization will help the harassed men and the family members of husband by giving solution to their problems and helping them free of cost. On the starting of the very first of that service, 635 men reported telephonically to the organization about their cases, while 150 men requested for help through e-mails. By this, it seems that how the women favoured laws made the life of men uneasy. The ignorance by our law creators and the government is not proper. They should take necessary steps in this direction.

Department for Development of Women and Child wants to make the law more stringent for these types of cases. But, it should be kept in mind that that law will be for sorting out the situation, prevailing in the society. The use of that law as weapon is not beneficial for the family. The government should also provide for the commission for men, so that harassed men can also put their problems before that, as women are doing. The demand by men for a separate commission for them is not unjustified.

7. Law should be equal for everyone:

Once there was a time, when woman was considered as the idol of delicacy, helplessness and sacrifice. Time changed, life style of people changed, but the notion regarding woman remains the same. Modern, educated, self-dependant, aware woman is considered as the same idol of delicacy, helplessness and sacrifice, as she was considered in the earlier times. Because the mentality of the people in India has not changed today. Due to this reason, Indian society and the laws has the same sympathy with the woman. This sympathy with the woman leads to the enactment of the laws relating to the women, so that women may use these laws for gaining of their rights, for their own protection and to take the action against the acts of atrocity and harassment, which are occurring over them. But unfortunate to say, consciousness comes less and hardness comes more in the sensitive women. This is the reason why the feelings like love,
sacrifice and sympathy remain only on papers in the modern era. Subsequently, today’s women are entangling not only her husband, but also her in-laws by misusing these special laws. In such circumstances, many questions arise, of whose answers are neither with the society nor with the law:

(i) Is it justified to misuse the special rights, which are provided to them by law?
(ii) Are women away from their image of love and sympathy upto such extent that they have pledged to cross all the limits of cruelty?
(iii) Is it justified to get the sympathy of society and law through showing off by women?
(iv) Is it correct to force man to spend his life with a depraved, quarrelsome and wrong characted woman?
(v) Many men commit suicide and end up their life due to the mental agony, given to them by women. The question here arises is that whether the law punishes the woman for the death (murder) of the man?
(vi) Whether the wife and her parents are arrested immediately? No. The punishment is only for the husband and his parents, whether they are accused or not. Does this law not show the biasness in dealing with husband and his parents?

There is no exaggeration in saying that currently s. 498A of Indian Penal Code is becoming the weapon for breaking the family. This is such a provision of the law that on recording of FIR by the wife against her husband, police immediately arrest the husband and his parents for the purpose of investigation. What type of the provision of the law it is that the husband and his family members get arrested immediately after the lodging of the FIR by the police for the purpose of investigation.\(^{488}\) As the husband is recorded as the main accused in the FIR, so he does not get the bail. Whole family, including 80 years old person to 10 years child, are alleged to be involved in the harassment to the woman. The most sorrowful position is that the husband and his family members are first arrested and the investigation starts later on. Does this type of laws not show the absolute biasness prevailing between the woman and husband? Instead of this, there should be the position that law must provide the same rights to men, as

\(^{488}\) www.arrivesafe.org, Last visited on May 12, 2015.
provided to women, so that men can also protect themselves from the atrocities and harassment by women and can also take action against women. When a woman files a complaint against a man, in addition to the impartial investigation, the conduct and character of the both should also be strongly and deeply studied. So that injustice will not be done with anyone.

All knows that the law is to punish the accused persons, and not for to penalize the innocent ones. Law should be equal for everyone. It is not justified from any angle to provide special rights to one of the two. Both man and woman are equal in the eyes of the law. It is not exaggeration to say that families and societies will be destroyed, if one of the two is preferred. If the women are preferred then it may be possible in future that instead of living with wives, men will prefer to stay with any lady, except the wife. Then the problem relating to society and family will arise, in which illegitimate children and unprotected life style will stand as the most horrible problem. No man marries to make his life hell and no man wants to destroy his married life. He wants that his wife and children will live happily. Exception to this, some men exploits and torture women for the want of money, but it is not necessary that all men are same. It is not justified that all men are treated in the same way. Relations are to live, not to carry. No one can force anyone to live with some person, not even the law itself, and where this type of force is used, then there the results are also not satisfactory. There are a lot of examples of the cases in the family courts, in which many men have to commit suicide due to the false allegations made by women, while many men have to spend their life as mental patient in the mental hospitals because of the extreme mental pressure given by women. Unfortunate to say that out of the above said men, those husbands are also included, who had married without dowry.

Often it is seen that if some woman dies due to some reason or commits suicide due to her personal problem or she dies because of any accident, then it is automatically presumed that the only cause of her death is her husband, even though there is no relation between the death and the husband. He is arrested by presuming him as accused. It is the later task that his guilt will be proved or not. No one considers that becoming innocent, he gets defamed. Can any law or our society indemnify for his defamation? It is the flaw of the law that the tears of women are considered as the evidence of the atrocities and harassment done over them. There is no insufficiency of those women in the modern era, who are misusing these laws for their own benefit. The anomaly is that the modern women are misusing their protective laws more, rather
than to use them. Today the need is to enact such laws, under which the women, who entangle their husband and her in-laws in fake cases, can be punished. It is the supreme obligation of the government of India that it will take proper steps in this direction. Considering the modern woman as helpless, is becoming such a weapon for woman that she is using it by filing fake cases and misusing the protective laws. The question arise here is that when there is no difference between women and men, and today’s women are fully educated and self-dependant, then in the era of such equality is it justified to consider women as helpless? Those cases of harassment and atrocities should be properly heard, where the woman is victim in practical, and the perpetrator should be punished, but to what extent it is correct to penalize an innocent?

Women and Children Development Minister, Maneka Gandhi agreed that law against domestic violence should be such that it provides protection to mother-in-law along with daughter-in-law. Present law is protecting women from violence of any man, who is residing in the same house or who is in blood relation or who is related by marriage or by same institution of such type or who is adopted or members of the family are residing in a joint family. This law has no provision for making the woman accused. The minister had talked with officers in this regard. She had asked the officers to work on such provisions, in which such women can be provided with protection, who are aggrieved by the domestic violence by their sons or daughter-in-laws. Many cases came before the minister, in which sons and daughter-in-laws of age-old women behaved indecently with them, but law does not permit to take action against daughter-in-laws. According to the minister, every woman should be provided with the protection under the law, even she has whatever relations with the accused. Although, legal experts has the opinion that due to bringing of the woman itself in the position of accused, actual object of the law can be frustrated. Present law is providing protection to the woman. By challenging this protection, base of Domestic Violence Act and Dowry Prohibition Act can be weaken.

8. Stay away from the matters of women:

Human being attract towards the opposite sex. Man does not save themselves from these natural attractions and is being trapped. Nature made him like this that he has no risk in such attraction. While the long pregnancy period and care of new born child for a long time is the restriction for woman, due to which she becomes indifferent towards the opposite sex, until she finds some responsible partner for taking care of her child. Man has no such restrictions, so there are more chances of his involvement with some woman.\textsuperscript{490} This is very dangerous position. In animals, there is strong power presentation between male animals and who is strongest, get the female animal. There the power of the nature works. But, among human beings, there is a process to get the woman, i.e. the marriage. If a man wants to make a woman his partner and get her, then he has to fulfill all the customary requirements of the marriage. Man cannot adopt the other ways to get a woman, otherwise he will be penalized under a number of laws.

Human being has established a system in the society and created a lot of laws in the way to his development and progress. Due to the nature and relation between man and woman, there are restrictions in the religious literature also to stay away from the woman. She is considered as the mine of sorrow and degradation, and contact of woman corrupts both the mind and knowledge of man. So, man should stay away from the attraction of woman.

The trend of working of woman equal to man in all over the world, has taught us many lessons of morality of a civilized era. Working of woman with equality is a proverb, while in practical if by mistake just a finger touches her then the man has to felt sorry for even that trivial act, otherwise he will find himself in jail in the very next moment for no offence done with the intention. Various disgraceful incidents in the past also making conscious of us that the attitude and gestures of women should also be proper at the workplaces. The stringent laws with rigorous punishment for the misbehaving acts of man at workplace are in force. But, it seems that these laws have not the expected results. The situation of men at workplaces went bad after the Supreme Court had issued directions for working of women at workplaces. Now men don’t know, which of their activity will be treated as bad against women and they will have to face criminal proceedings in the court. For this reason, men employees have to keep extra attention towards women employees at workplace. There are the days, when the men’s rights activist’s

\textsuperscript{490} \url{www.mishraarvind.blogspot.in}, Last visited on Sep 26, 2015.
helplines are ringing with distress calls from men, being victim of false cases, apart from other abuses at the hands of women, under the various unconstitutional gender discriminatory anti-male laws of India, like the Dowry Law, the Domestic Violence Act, the Rape Law, the Sexual Harassment Law etc.

9. Miscellaneous suggestions:

A. The Government should have to take some steps to curb this evil as soon as possible, as enumerated under:
   - Scrap S. 498-A I.P.C.
   - Decriminalize marriage disputes and put an end to involvement of police in counseling or monetary settlement of marital disputes.
   - Stop using of Crime against Women (CAW) cells as Marriage Counseling centers.
   - Refer marriage disputes to Family Courts.

B. Laws are enacted by our Parliament in such a way that women are taking more benefits. Men feel helpless in a number of cases. A balance should be maintained between men and women; between husband and wife. The law should be enacted by our Parliament keeping in mind both the sexes, i.e. man and woman, so any harassment cannot be done with any of the party with the help of misusing the laws.

C. The judge should be humanitarian, while dealing with the cases related to women, in which allegations are against men. Law should be followed in a liberal manner as the ultimate motto of our laws is to keep peace and provide protection to our families. What is the use of such laws, which break the society and disturb the harmonious and affectionate relations in the society?

D. Judges should be aware and alert, while hearing the proceedings related to family matters. They should not use the law in each and every case. They should

implement the provisions of the law only when all the doors of attempt to reconcile have been closed. Use of the law should be last option, when there are no alternates available for resolving the matter. When the judge has the reasons that the family matter cannot be disposed off with some peaceful mode, then only they should award the decree for divorce. Because there are a lot of cases in which the alertness and awareness of the judge led to the restitution and reconciliation of the husband and wife. Those are the cases, which were filed under the pressure of the parents of the wife or their advocates. The wife herself was not interested to file any case against the husband. It was the parents or advocates, who leveled the charges and allegations against the husband of the lady (wife), on behalf of the wife. In such cases, judges have the opportunity to get the meeting of both the husband and the wife, and these meetings have been mostly proved to be successful for the positive resolution of their disputes. After that meeting, the wife withdraws her case against her husband, as the charges under such case are fake and false. This practice can save the energy of both the courts and the parties to the case, and further it can save the money of the both the parties to the suit.

E. Till the final disposal of the case, husband and his relatives are bound to attend the court during the court proceedings. There is no meaning of that decree, which is in favour of the man, because till that time the man and his relatives has lost the image and reputation in the society; and further, they are too much harassed till the time. So, it is necessary that the law should be amended and a time should be fixed for the final disposal of the case.

F. Judge should not bind the man and his relatives to personally attend the court, if justice system does not get affected by doing so. They should be given exemption from attending the court on each and every date.

G. NGOs should not perform the role of catalyst to encourage the fake complaints by women, rather they should fight for the prevention of these fake complaints. Non-serious matters should be treated with non-serious procedure.
H. The serious consequences of the fake complaints should be explained to women and their relatives, so that they think hundreds of times before starting the legal proceedings against men.

I. Someone has rightly said that child do as his parents did. Parents of women, especially in case of marriage, should transfer some moral values to their daughter, so that they can show the good behavior at their matrimonial houses.

J. A major part of the residents of India likes westernization. They want to eat as western countries eat. They want to wear as western countries wear. So, we should also have to follow the laws, as followed in western countries. Their laws are much upgraded according to the current situation and time. The laws followed in India, were enacted 60 years before. The situation, existed 60 years back, has totally changed now. One can see the drastic changes in each and every aspect of society. Be it food, dress, profession, living style, thinking, views, and last but not the least – the human being. Now, it’s the time to replace our 60 years old law with new ones or to amend the existing laws to the extent, so that they can meet the present requirement of the society.

K. Marriage is the unique institution, unmatchable with any other. At the time of marriage, there is no role of government or law. In future, if there arises any problem, then the law is misused by the woman for earning personal profits. There should be a law that before marrying, the couple has to attend the mandatory counseling. In such counseling, the counselor will counsel both the parties and understand their interests and capabilities, so that he can decide whether they should marry to lead a happy life or not.

L. It is seen in almost cases that before the marriage and after the marriage, there is difference in the statements of the parents of husband and wife, relating to the environment at the houses of both the parties.\textsuperscript{492} So, all the statements regarding the environment at the houses of both the parties to the marriage, conditions of their life

\textsuperscript{492} \url{www.stoplawmisuse.wordpress.com}, Last visited on April 23, 2016.
should be recorded in a document. Such statements should be signed by both the parties and countersigned by the parents of both the parties, before the court. The marriage will only then be deemed to be completed. In future, if there will any kind of dispute, then this document will be kept in mind by the authorities. This document somewhere also plays the role of estoppel over both the parties and their parents.

M. Although our parliament has enacted a lot of statutes to remove the ill practices against women, but such statutes should not be allowed to be abused by a psychic women against men for their meaningless profits. It cannot be denied that in present time, men are blackmailed and tortured by the fake cases against them by women, and these are rising day by day. Laws and facts are misinterpreted to the courts for someone’s personal grievances. Some penalty should be fixed for filing the false cases, so that the trend of misusing the protective laws can be removed from our civilized society, and the noble institution of family can be saved. Only then we can justify the principle “justice should not only be done but manifestly and undoubtedly be seen to be done”.

N. Women have the centres for the cure of their mental illness related to family. These type of centres should be established for men also, so that they can approach and consult these centres at proper time for the curing of mental harassment, received from the false cases, filed against them by their wives.

O. In case of adultery, a man has the sexual intercourse with the wife of some other person, with the consent of that lady and without the knowledge of the husband of the lady. It means two persons are involved in the commission of offence of adultery. But, the law provides the punishment only for the accused man. There is no such thing for the lady. That man may be the husband of some other lady. When such “husband” can be punished, then why should not such “lady” be punished? There should not be such differentiation for the penalizing of the offender/offenders. The problem not ends here. The wife of such accused man may extort money and may

also take the divorce on the ground of the commission of the adultery by her husband. But, the shocking thing is that the husband of such lady has no remedy or relief against such wrong doer lady. He can’t take money or divorce from such lady. There is no use of such cohabitation, when there is no respect in each other’s eyes. Such husband cannot create the faith in his wife, which has involved in some adulterous relationship with some man, except her husband. The husband of the lady, involved in adulterous relationship, should also be provided with the same remedy, as the wife of the accused man has. So, the husband of that lady may also avail the remedy of getting divorce from the lady on the ground of cruelty, i.e. involvement of the lady into the adulterous relationship with some other man.

P. There is environment of insecurity and apprehension among men at various workplaces. A lot of men do not interested to work in the company of women, as they have the fear that they may be the victim of any fake complaint of sexual harassment. The reason behind such view is that the laws, enacting day by day, is giving more and more powers in the hand of women. They can destroy the careers and reputation of men in a moment. The unfortunate thing is that career and reputation of a person is not made in a moment. A number of men have the fear in their mind that what will be the situation, if women start to misuse this power in malicious ways. But, our judiciary, with innovative ideas, and we own self can decrease or remove the number of cases of such misuse of laws by women. The police and the court have to become aware to such cases of misuse. Before taking action against men in such cases, they should be more careful. Men should be given opportunity to speak about their assertion. The institutions should not encourage such fake complaints of sexual harassment by women. These institutions should have an Internal Complaints Committee (ICCs), which is constituted by the well-skilled persons, who can understand the aspect of men also and take justified decisions. Some intellectual lawyers or retired judges may act as experts and be the external members of such ICCs.
Above all of this, both the husband and wife; or man and woman should keep patience and try to understand each other, so that a civilized society can be established.

Someone has rightly said that:

“A small mistake may spoil your life! We have already off-tracked our tradition. Women abused the value of minium. Playing with minium is not a game. Still government entertain wife’s adultery. We are resentful and shameful of them.”