**To**,
Sri Rakesh Naithani,
Joint Director, Rajya Sabha Secretariat,
Parliament House Annexe
New Delhi – 110001

**Subject: Memorandum on “Amendments in Section 498A” and request for deposing in front of the Committee**

Honorable Members of the Committee,

My Name is <Write your Name>; I am one of the Victim of Dowry Law (498A IPC). I would like to use the opportunity to provide comments and suggestions on Amendments in Section 498A. We would also feel honored to depose in front of the Committee.

I Never took or demanded any Dowry, still false case of 498A filled aginst me and my whole Family, With one word of my wife, Police Registered case against us without any Investigation.

The Chief Justice of India has openly admitted the blatant misuse of IPC 498a. Chief Justice of India K G Balakrishnan said that in some cases this section — that deals with matrimonial cruelty — was being `grossly misused’.  Elaborating on false cases being filed in recent times, the CJI said that relatives not involved with a matrimonial dispute were unfairly implicated.

The Supreme Court of India itself has labeled the misuse of section 498a as “**legal terrorism**” and stated that “many instances have come to light where the complaints are not bona fide and have been filed with an oblique motive. In such cases, acquittal of the accused does not wipe out the ignominy suffered during and prior to the trial. Sometimes adverse media coverage adds to the misery.” In agreement with the above statement, the findings of a study conducted by The Centre for Social Research indicated that “98 percent of the cases filed under IPC section 498a are false”.
Recommendations of Malimath Committee on IPC 498A

Justice Malimath Committee on Reforms of Criminal Justice System, Government of India, Ministry of Home Affairs, 2003 observed the following and gave the recommendation to amend the law immediately:

“In less tolerant impulsive woman may lodge an FIR even on a trivial act. The result is that the husband and his family may be immediately arrested and there may be a suspension or loss of job. The offence alleged being non-bailable, innocent persons languish in custody. There may be a claim for maintenance adding fuel to fire, if the husband cannot pay.

.. It is therefore necessary to make this offence (a) bailable and (b) compoundable to give a chance to the spouses to come together.

.. The Code may be suitably amended to make the offence under Section 498 A of the I.P.Code, bailable and compoundable.”.

Between 2003 to 2006

5,01,020 people arrested under Section 498A of IPC;
2,94,147 people completed trial under Section 498A of IPC; and
58,842 people convicted (NCRB statistics)

These statistics shows 80% of Innocent people are victimized, even out of 58,842, many won case in High Court or Supreme Court too. As per Women organizations to give Justice to 20% of women they want to victimize 80% of Men Family. This law is not against men but against husbands Old mother, sisters,Distant relatives even breast fed child is arrested; still they strongly oppose Amendment to this Law to make it Gender neutral.

If anyone want to know the truth then, they can ask NCW / WCD, to Show a Single Women who is Happy and united with Husband after filling case of Section 498A on husband Family, coz all cases endup with Divorce and make children Fatherless. thats the only outcome of this Law.
I hereby prays for the following amendments in IPC 498A:-

       Section 498A of IPC should immediately be made non-cognizable.
Innocent citizens are being arrested everyday based on mere complaints without requiring evidence or investigation. Even children and senior citizens are not being spared. IPC 498A, being a cognizable offence, violates a citizen’s right to due process.

        Section 498A of IPC should immediately be made bailable.
Section 498A, being non-bailable, allows punishing the accused by imprisonment even before guilt is established. This goes against the Universal Declaration of Human Rights which states that everyone charged with a penal offence has the right to be presumed innocent until proved guilty according to law. Abused women need protection, but placing unconditional faith in the statements of a woman and confining the accused husband and his family in police or judicial custody, until bail is granted by a court, is not the way to accord protection to women.

        IPC 498A should be made Gender neutral.
Domestic abuse is not gender specific. The assumption that victims of physical, verbal, emotional, sexual, and financial abuse are always women is wrong. According the Universal Declaration of Human Rights “all are equal before the law, and are entitled without any discrimination to equal protection of the law”. Hence, our fathers, brothers, sons and husbands should also be accorded protection from physical, verbal, emotional, sexual, and financial abuse by women.

        Police involvement in counselling should be banned.
Marriage is not a crime and marital disputes are not crimes either. Where there is no evidence of physical harm or threat to life or limb, the police should not be allowed to arrest anyone. The police should not be allowed to randomly summon a husband and his family members to the police station in the name of counselling or questioning in case of marital disputes.

        Persons who misuse IPC 498A should be penalized immediately, after completion of trial, by the very same court, which is conducting the trial.
Misuse of the process of law, not only costs the public exchequer dearly, but also destroys the personal lives of many innocent citizens. Misuse of law should be treated as a serious crime, and persons who use women-protection laws as weapons for settling personal scores in marital disputes should be severely punished. Moreover as there are crores of pendency of cases in trial courts, the misuser should be punished by the very same court, conducting the trial, immediately on completion of trial, so as to maintain the effectiveness of the Misuse clause. We all know that justice delayed is justice denied.

        As per Section 498A of IPC, Giver and taker of Dowry are equaly responsible for the crime,but Judges ignore Girl Family and they will not be charged, Judiciary should take this matter seriously, as Girl side never report at the time of marriage of Dowry demand if any, they only report only when marriage is on the brink of Divorce, so girl side is the one who misuse this Law and they have to be charged / Penalised according to Law.
A new Misuse Clause be inserted in IPC 498A, which may be as follows:

 “Whosoever misuses IPC 498A, in any way, to cause harassment to the opposite party, will be sentenced to a term of 3 years, immediately on completion of trial, by the very same court, which was conducting the trial, and would also pay a fine, equal to Rs 10,00,000/- (Rs. Ten Lakhs) per year to the opposite party. And also penalize/demote/suspend the police and other authorities who have done false / incomplete enquiry”

“Misuse of Section 498A IPC to harass husband and his family should be made valid reason for Divorce and Termed to be deserted without valid reason”

“The Victims of Harassment of Section 498a who committe suicide to be termed as abetment to suicide”

“Dowry demand victim should report to Legal Service Authority about her complaint, not to Police, as once arrest has been made, for sure that marriage will end in Divorce. Once Legal Service Authority certifies then only it should go to Police for FIR / farther investigation.

“IPC 498A should be removed from Criminal case,as its a Family Matter; because of this many lose their Job.its a Violation of right to livelihood, human rights and constitutional rights.”

“Senior Citizens and minor Children should not be arrested or implicated”

“Burdon of Proof should be lies on accuser as per INDIAN EVIDENCE ACT, 1872 , not on accused”

“False case should be Valid reason for damage and defamation under  Section 499 and Section 500 of IPC”

Thanking you,

Yours faithfully,

<Write your Address>