



ALL INDIA FORGOTTEN WOMEN

*Against Misuse of Protections and Privileges Granted to Women
Say No to Legal Terrorism! Say Yes to family Harmony!*

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To,
Ms. Renuka Chaudhary,
Minister, Government of India,
Ministry of Women and Child Development,
Shastri Bhavan `A' Wing,
Dr. Rajendra Prasad Road,
New Delhi-110001

11th July 2008

Sub: NCW's recommendations to address "unnatural deaths" of married women are unreasonable

Dear Minister,

We, the members of All India Forgotten Women, are writing to express concern over the unending stream of unreasonable amendments to laws pertaining to women recommended by National Commission for Women (NCW).

Barely a week after NCW made ridiculous recommendations on awarding maintenance for live-in-partners and adulterous wives, it is now pushing for broadening of the Dowry Prohibition Act, so that unnatural death of a woman at ANY stage of her marriage qualifies as dowry death.

At present, unnatural death of a woman within seven years of her marriage is considered as dowry death, attracting punishment to the accused husband and relatives under Section 304(B). While the current seven year rule and the automatic presumption of "dowry death" is in itself is absurd, NCW opines that there should not be any time limit on registering unnatural death of a married woman as dowry death i.e. death caused due to demands for dowry.

Unnatural death "is a category used by coroners and vital statistics specialists for classifying all human deaths not properly describable as death by natural causes. Hence it would include events such as accident, execution, homicide, misadventure (being attacked by insects, reptiles, fishes, lions, tigers, bears, stingrays, or other wild animals), adverse outcome of surgery, suicide, terrorism, war."

Any person, male or female, married or unmarried, may die an unnatural death due to any of the above causes. Among these, homicide (murder) is the only cause which unambiguously qualifies as a crime that can be committed by one person on another, and is already covered under IPC Section 302. It is, therefore, obvious that providing a Criminal Section specifically to deal with dowry murder is redundant, and only reflects gender bias.

In addition to murder, abetment of suicide is also a crime and punishable under IPC Section 306 which addresses both male and female victims. Therefore, once again, it is unnecessary to have duplications and special provisions in law like Section 304(B) and Section 498(A) to address suicides of women.

Most cases recorded as “dowry death” involve women who died by accident or by committing suicide.

Data from the National Crime Records Bureau indicates that there is no difference between the rate of suicide of married women and never married women. However, radical organizations like NCW would have us believe that every death of a married woman is a dowry death, without providing any justification for such presumption.

Recent data from the National Crime Records Bureau indicate that nearly twice as many married men, compared to married women, commit suicide every year, unable to withstand verbal, emotional, economic and physical abuse and legal harassment by their wives. While every death of a young married woman is converted into a case of dowry death leading to immediate arrest of the husband and in-laws, followed by a prompt media trial, large-scale suicides of men do not cause any outrage.

Gender obsessed women’s activists also refuse to admit the fact that accidental deaths are also equally likely among men and women. Therefore, it has become routine for police to arrest the husband and his relatives and book them under several sections including, IPC 498(A), 304(B), and Dowry Prohibition Act, every time a deceased woman’s relatives claim that she had been killed or driven to death/suicide for dowry. This is the case even when there are suicide notes or dying declarations absolving everyone including the husband of any responsibility for the woman’s suicide or death. There have even been instances where fake dowry death cases were registered and the “deceased” wife was found to be alive after the accused husband and in-laws were refused bail and imprisoned.

While husbands and their relatives are under constant suspicion leading to frequent violation of their basic human rights, wives are rarely ever questioned leave alone prosecuted if a husband dies or ends his life under similar circumstances. Media finds no incentive in highlighting the truth about abused men. People in power find no financial or political mileage to be gained from taking measures to prevent unnatural deaths of men.

The recent demise of Pushkar Singh is one of the countable few cases that at least caught some media attention. Sadly, even though his suicide note bears evidence to the fact that he was financially and emotionally destroyed because of false criminal cases filed against him and his family by his wife, she was not even called in for questioning by the police until family rights activists like us mounted pressure on them. One can only imagine the fate of cases where men take their lives silently, leaving no note behind. Deaths of these men make for the brief stories in newspapers stating that a certain man “killed himself due to family issues or financial problems”.

NCW is trying to appear very generous by recommending that “arrests of the immediate family members not be made till they are proved guilty”. Why should any individual (man or woman) be arrested unless there is strong basis to believe that they committed the alleged crime? Why is it alright to arrest a husband based on a **presumption** of dowry death (i.e. murder or abetment of suicide) when the same rule is not applied to a wife upon the unnatural death of the husband? As per the Universal Declaration of Human Rights, every human being (irrespective of age, sex or any other criterion) charged of a penal offence has the right to be presumed innocent until proven guilty. Through its recommendations, NCW is suggesting that husbands do not count as humans or that they are not entitled to the same basic human rights as others.

Spreading blatant lies and alarmism about increasing crime against women, while ignoring similar abuses and crime against men, may be a lucrative means for radical organizations like NCW to justify their existence and to attract funds from national and international organizations. However, NCW has still to answer some fundamental questions pertaining to women’s welfare.

Is the pain of a mother who lost a son to domestic abuse or legal terrorism any less than that of a mother who lost a daughter? Is the pain of a woman who lost a brother any less than that of a woman who lost a sister?

How many more mothers and sisters should lose their sons and brothers before measures are taken to alleviate their sufferings?

Aren’t mothers and sisters women? Don’t they deserve a life of dignity and respect?

Do sufferings of innocent mothers and sisters bring justice to genuinely abused women?

Is protection of women’s rights synonymous with gross violation of basic human rights?

Is legal terrorism the solution to all women’s problems?

NCW pretends to possess proprietary rights on deciding what is good or bad for women’s empowerment in India. Through its anti-male, anti-family recommendations, NCW is posing a serious threat to the well-being of our families, especially that of our fathers, brothers and sons. We strongly condemn NCW’s radical proposals.

In the interest of justice, fairness and equality to both genders, we, the members of All India Forgotten Women, make the following recommendations:

- Section 304(B) should not be retained in the law; IPC Section 302 already covers murder and IPC Section 306 covers abetment of suicide, and therefore Section 304(B) is only a duplication of law, which is gender-biased.
- All cases of murder, including murder for dowry should be dealt with under IPC Section 302.
- All cases of abetment of suicide, including those allegedly done for dowry, should be dealt with under IPC Section 306.

- If IPC Section 304(B) is not removed from Indian law, then it should be amended and made applicable to men and women equally. Specifically, the word “husband/wife” should be replaced by the word “spouse”.
- Section 304(B) treats the accused as guilty until proven innocent, thus, violating the Universal Declaration of Human Rights which proclaims that “everyone charged with a penal offence has the right to be presumed innocent until proved guilty”. The law needs to be amended so that no arrests of any of the accused (man, woman or child) are made without proper investigation and written approval of police officials of the rank of DCP or above.
- Those who misuse Section 304(B) for settling personal scores should be heavily penalized because false allegations and prosecution can cause irreparable damage to the accused parties even if they are later declared not guilty.

We hope that you will take our recommendations into serious consideration and promote justice irrespective of gender.

Thanking you.

Sincerely,

Uma Challa
President
All India Forgotten Women

Copy to:

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