

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

Dear WCD Minister,

We, the members of **Save family Foundation, Delhi** , 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 crime that can be committed by one person on another, and is already covered under IPC Section 302. It is, therefore, obvious that having a 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 498A, 304B, and Dowry Prohibition Act, every time a woman's relatives claim that the deceased woman 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 been 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?**

We strongly condemn NCW's radical proposals. In the interest of justice, fairness and equality to both genders, we, the members of Save family Foundation, Delhi, 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 the section 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. **With High
Regards**

(Save Family Foundation)

**For ready Reference
:**

- **Dowry death
misuse: A Justice
Saldhana judgment**
- **SC ruling on
suicide by married
women : Do you
Know?**

- **Crime Bure data**
2005 : Married Men
Sucide : 52k vs
Married Women
Sucide 28K.Still
there is no LAW to
Protect Men why?
 - **2006 Crime Bure**
Data : Married Men
Sucide:55452 vs.
Married Women
Sucide:29869.
-

Further CC: For all kind information and request to look into the matter.

**1. Secretary,
Government of
India, Ministry of
Women and Child
Development, Shastri
Bhavan `A' Wing, Dr.
Rajendra Prasad**

Road, New
Delhi-110001

**2. Joint Secretary,
Government of
India, Ministry of
Women and Child
Development,
Shastri Bhavan `A'
Wing, Dr. Rajendra
Prasad Road, New
Delhi-110001**

3. Dr. Manmohan Singh, Prime Minister of India, South Block, Raisina Hill, New Delhi, 110011

4. The Hon'ble Minister, Sh. Hansraj Bharadwaj, Ministry of Law & Justice, 4th Floor, A-Wing, Shastri Bhavan, New Delhi -

110 001.

5. Ms. Sonia Gandhi,

UPA

Chairperson, Indian

National Congress,

24, Akbar Road, New

Delhi – 110011

6. Shri, L. K.

Adavani, Leader of

Opposition in

**Parliament, BJP
Central Office, 11
Ashoka Road, New
Delhi 110001**