

NCW accepts Dowry Related Case registered Without Preliminary Investigations?

Contributed by Administrator

Thursday, 11 September 2008 - Last Updated Thursday, 11 September 2008

To:

Ms. Renuka Chaudhary

Minister, Government of India,

Ministry of Women and Child Development,

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Dr. Rajendra Prasad Road,

ND-110001

Cc: Ministry of Law & Justice, Home , Chief Justice of India, LAW commission

Sub: NCW accepts Dowry Related Case registered Without Preliminary Investigations?

[With reference to the News on Times of India, dated 11/09/09, page no.14, Quote: "In case of complaints, a preliminary investigation must be conducted by the police and if necessary, counselling done to save the marriage," NCW chairperson Girija Vyas said.](#)

Preliminary enquiry is must to register any case and if the same not happened in Dowry related case, first all the case should be re-investigated and establish the creditability.

Next, the real issue is when the LAW itself is so biased and one sided, how an effective preliminary investigations will be done?

Now, as today NCW, accepts that the necessity of Preliminary inquiry required to registered the dowry related law, we on behalf of **Save**

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family foundations, Delhi, demand to **Home ministry and Chief Justice of India** to immediately put Stay in all the more than **5,00,000 cases 498A**, which had been registered and **re-investigations immediately** to save the lacks of innocent who are going through the Legal Terrorism.

The suggestions of NCW are only to promote the Legal Terrorism and increasing the suffering of common people and make more and more duplications of law, nothing else.

What actual NCW want, in the name of preliminary enquiry , start collecting all the evidence from the Husbands family and then re-write the complain in new way under DV act and start the extortions of money , as if after preliminary enquiry found the complaint is false and fabricated , there is no punishment for the complainant .

So, if NCW really want the preliminary enquiry to be done and the innocent people should not be suffered, the law of 498A also should be made same like TADA/POTA.

LAW should not violate the basic of Citizens 'live and property'.

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The offence mentioned in 498A, like mental cruelty, harassment of dowry, money, property, already covered in DV act and the 498A should be bailable, non-cognizable and compoundable. Then only the real preliminary enquiry will be effective and if found guilty convict them and punish them.

But threat of arrest and threat of register the case should not be used as blackmailing tools to do the legal terrorism.

Misuse of anti-dowry laws and other woman-protection laws has now become a well recognized problem in India. Increasing number of aged parents, sisters and children in the husband's family are falsely accused and arrested under these inhumane laws, and find them defenseless against the harassment unleashed thereafter and multiple litigations for the same offence/allegations with is violations of Article 20 and 21 of Indian constitutions.

Over the years, various responsible agencies including Indian Judiciary have stressed on the need for amending these atrocious laws. The World Health Organization identified misuse of IPC Section 498A as the prominent reason for elder abuse in India. The Supreme Court of India has described the misuse of IPC Section 498A as 'Legal Terrorism', and stressed that the law must be amended in order to protect the innocent, and to ensure justice to the genuinely aggrieved. Rational and responsible citizens from all over the country and abroad have repeatedly warned that these laws in their present form are detrimental to family harmony, and left unchecked, these laws have enormous potential to shatter marital and family stability in years to come.

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3 Years back when SIF members and their associated NGO provided all the Statistics/live example/Stink operations and establish beyond reasonable doubt that the dowry related cases under 498A/406 had been registered without any investigations and more than 92.3 % cases the people proved their innocence in the court , but arrested without any reasons and all the investigations should have been done without arrest , where even more than 1.15 lacks women also arrested along with minor child , age old parents and Supreme court of India termed the same "Legal Terrorism" and advice the government to make the necessary changes to stop such massive misuse of the law.

The basic LAW of 498A is non-bailable, non-compoundable and non-estimable along with the evidence act 113A, as worse as like TADA/POTA, where the evidence of the accused will not be considered at all and there is no actions against the complainant for making false and fabricated allegations, where the case will be registered on the basis of assumption on absence of any Prima Face evidence. In such situation even Supreme court itself is confused , when a complain will come to police police should first register the case and then do the investigations or first do the preliminary investigations and then register the case?

As the LAW is non-bailable , as soon as the case register in the name of investigations Police have to arrest the named persons, otherwise , NCW will send their gangle (who even broken the judges chair also earlier) and the IO will loose the Job .

Now, when NCW totally exposed and we demand of Ban the NCW for

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promoting the legal terrorism , all their associated groups of Lawyers and associated NGOs , suddenly relaise their whole sale money earning business is going to stop , if law like 498A became bailable and gender equall.

So, they came out with a new pain killer pill and want to make the Investigating officers the real "bakra" in the name of preliminary inquiry , where the law like 498A should be same like as whole sale free lincence of AK47.

If a case registered and after ward found the person is innocent, blame the police and if the case not registered blame the police and the NCW and their associated should not be responsible and their money earning business will be double, means the "laddu in both hand."

Every year, there is a rising number of cases fabricated by wives only to threaten, extort money from, and wreak revenge on husbands and their relatives, in case of marital discord. Between 1995 and 2005, the number of cases filed annually nearly doubled. According to data obtained from the Ministry of Home Affairs, in the year 2005 alone, 58,319 cases were registered under charges of cruelty by husband and relatives (IPC 498A), and resulted in the arrest of 1,27,560 individuals including 339 children, 28,579 women and 4,512 adults over the age of 60.

The Government needs to act NOW or they fell they will act only when people will start the violent protest, like burning the busses, block the roads to Stop this Legal Terrorism?

Save Family Foundation urges the Government of India to make the

following amendments to the law and ensure that ordinary citizens of India are spared from needless harassment:

- 1. Section 498A of IPC should 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.

- 1. Section 498A of IPC should 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.

- 1. IPC 498A and Domestic Violence Law 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, men should also be accorded protection from physical, verbal, emotional, sexual, and financial abuse

by women.

1. Persons who misuse IPC 498A and Domestic Violence Law should be penalized.

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.

Gender Biased LAW should immediately be made crime based instead of any assumption that all women never lie and all the men are born as Criminals. " **MEN/WOMEN**" word to be replaced by word "**PERSON**" and word **wife/husband** to be replaced with the word "**SPOUSE**"

With Regards

(Save Family Foundation , Delhi)

Further Reference:

- [**Ban NCW and their associates - for promotion of Legal Terrorism in India.**](#)