



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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Ref. No.AIFW/070708/1

To,

7th July 2008

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

Sub: Amendments to CrPC 125 recommended by NCW promote adultery and extortion

Honorable Minister,

We, the members of All India Forgotten Women, are appalled by the recent recommendations forwarded by the National Commission for Women (NCW) to the Ministry of Women and Child Development on the amendments sought in Section 125 of CrPC.

CrPC 125 is a Criminal Section which is biased towards women. Under this section, any legally married woman who cannot sustain life on her own can legally claim maintenance from the husband, while an impoverished husband cannot claim maintenance from his gainfully-employed wife. It is a well-known fact that a large proportion of women who are well educated, employed or qualified enough to find gainful employment are approaching courts to demand maintenance from the husband. Such women also simultaneously entangle the husband in false criminal cases under Section 498A and Dowry Prohibition Act. They also use civil provisions like the Domestic Violence Act and Section 24 of Hindu Marriage Act (in addition to CrPC 125) to demand maintenance from the husband.

Various media reports indicate that NCW is pushing for providing maintenance not only to legally wedded/separated/divorced wives but also to female live-in partners. Another major amendment sought by NCW in Section 125 of CrPC is that 'adultery should no longer be a ground for denying maintenance to a woman'. We feel that these recommendations are extremely sinister and ill-conceived. Through this letter we explain why the above recommendations of NCW should not be accepted, and also propose amendments that promote gender equality.

A live-in relationship, unlike marriage, is not a legally binding contract. Women (and men) who enter live-in relationships are implicitly accepting the risk of a break-up, whatever the reasons for the break-up may be. Live-in relationship is, in fact, the preferred arrangement for men and women who wish to avoid legal formalities

governing their union, separation or the relationship therein. Forcing legal interference into a relationship that is legally invalid is simply ridiculous. Even if one were to condone legalization of live-in relationships, the idea of protecting the interests of just the female live-in partner, and leaving the male partner in the lurch, open to economic abuse, betrays the anti-male sentiments of radical groups like NCW. By providing maintenance to female live-in partners, NCW would only be encouraging unscrupulous women to enter into relationships, break-up at will and extort money from the male partner. Given that the length of a legally valid live-in relationship has not been defined by NCW, a woman who has shared just one night with a man can technically claim maintenance from him. Therefore, whether the legal amendment recommended by NCW is a tool of women's empowerment or a tool of legalized extortion is a moot question.

Committing adultery amounts to criminal breach of trust and violation of the social sanctity and legal contract of marriage. Adultery should be considered an offence whether it is committed by a man or woman, and equal penalty should be imposed on the erring spouse irrespective of gender. Earlier, NCW shot down proposals for amending Section 497 which suggested that women should be prosecuted for adultery. NCW categorically stated that adulterous women were "hapless victims", while it considered adulterous men as criminals deserving to be prosecuted. It is shameful that NCW is now recommending amendments to CrPC 125 to convert it into an extortion tool and to award maintenance to adulterous women, in the name of women's empowerment.

Many men have been forced to pay maintenance to undeserving women merely based on the assumption of perpetual victimhood of women promoted by organizations like NCW. Men who fail to pay maintenance for any reason risk going to jail and even losing the property they own. While scores of wives use existing laws to treat husbands as free ATM machines, NCW is now pushing for new provisions so that women who are not legally married, as well as women who violated the legal contract of marriage by committing adultery, can exploit male partners financially.

As fellow women, we feel that enjoying a parasitic life by siphoning money away from an estranged husband or partner is merely extortion in broad daylight and definitely not a sign of women's empowerment. If anything, NCW's idea of women's empowerment is demeaning to hard-working, self-respecting and individualistic women. By supporting unscrupulous women and providing them more tools for misuse of law NCW is harming many families. Before pushing for anymore deceitful provisions claiming to empower women, NCW should think of ways to provide justice to the 1,20,645 innocent mothers and sisters arrested and tormented in the last four years under false complaints of cruelty and dowry harassment. If NCW were genuinely interested in welfare of women, it must strive to stop future arrests of innocent mothers and sisters.

We, the members of All India Forgotten Women, hereby, condemn the recommendations to CrPC 125 made by NCW. These recommendations are not only an insult to truly empowered women, but also a serious threat to the well-being of our beloved fathers, sons, brothers and male colleagues. Recommendations of NCW,

which encourage adultery and live-in relationships, are also a good recipe for destruction of family and creation of a fatherless society.

We, therefore, request lawmakers to amend the CrPC 125 as under:

1. The word **men/women** should be replaced by the word **person**; the word **husband/wife** should be replaced by the word **spouse**.
2. No maintenance should be awarded to a spouse who is educated, employed or qualified to find gainful employment.
3. The phrase “**living in adultery**” should be replaced by the word “**living or lived in adultery**”, and the person who indulged in adultery should not be entitled to any maintenance from his/her spouse, as adultery is nothing but criminal breach of trust.
4. If a person files for maintenance under CrPC 125, he/she should not be allowed to file for maintenance under Section 24 of Hindu Marriage Act or Domestic Violence Act.
5. A maximum limit on monthly maintenance should be fixed and very strictly enforced irrespective of the gender of the spouse claiming maintenance.

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

Thanking you.

Yours Sincerely,

Uma Challa
President
All India Forgotten Women