



Save Indian Family – Karnataka (Regd.)

“Help for Families in Distress”

All India Helpline (SIFOne): 0-8882-498-498 Extn 1



PRESS RELEASE: BAHUT BURRE DIN FOR HINDU FAMILIES

With this Press Release, we, members of **Save Indian Family – Karnataka**, hereby want to register very serious and strong objection to the unconstitutional Marriage Law (Amendment) Bill. This bill introduces “Irretrievable Breakdown of Marriage” (IrBM) as an additional ground for seeking divorce whereby wife gets 50% of husband’s pre-marital, post-marital, self-acquired and ancestral property as part of alimony, and husband cannot oppose it.

This is the same Draft bill which never saw the light at the end of the tunnel during previous government as BJP itself realized how disastrous this law was for Hindu Family and Indian Social Fiber. The Bill was opposed by various segments of society and even ministries and had international criticism on India for proposing such a draconian law.

In spite of all the above, it is really SHOCKING and heart-breaking that the New Visionary Government, under a dynamic leadership who pledged “SABKA SAATH SABKA VIKAS” has not taken the TRANSPARENT route and is behaving same as the previous Congress led UPA Government now.

GRAVE FAR REACHING SOCIAL AND ECONOMIC IMPLICATIONS OF THE PROPOSED MARRIAGE LAW (AMENDMENT) BILL, 2014:

1. LOSS OF FAMILY VALUES AND FALL OF INSTITUTION OF MARRIAGE IN INDIA

- Marriage will lose its sanctimonious purpose and become property acquiring business. Already, there is an increasing trend towards material expectations in a marriage; the amendment will have a far reaching consequence. With divorce no more being a taboo in India, the incentive of women taking divorce would work as reverse DOWRY menace where women would marry for property and not for family or love.
- China in 2010 amended a similar property annexing law when it found that it being misused extensively by women to grab property through marriages. With misuse of gender laws in India close to an all-time high, this is not the climate to introduce another dangerously draconian legislation.¹

¹<http://www.telegraph.co.uk/news/worldnews/asia/china/8714097/China-tries-to-stop-women-marrying-for-money-rather-than-love.html>

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2. SEVERE VIOLENCE AND SOCIAL UNREST IS HIGHLY PROBABLE

- Assets/Properties are acquired after years of hard work and not because of few years of matrimonial life. Losing hard earned property in case of failed marriage will lead to increase in Husband Suicide (already it is double) and Increase in Crime Rates.
- The Battle of Mahabharata was fought for five villages. With the proposed amendments the home of every Husband's family is going to be in trouble. This Bill if passed in its current form may result in the very person sought to be benefitted/ protected becoming a victim of violence for protecting property as there is hardly any faith in the biased legal system. Will the BJP be willing to take full responsibility for this dangerous social disruption?

3. Indian Economy would be ADVERSELY IMPACTED & India will NOT be perceived as a safe destination for FDI

- When the society is in unrest and family values are broken, the dream of "Make in India" would go for a toss. Economies like Vietnam, Thailand, Philippines, Pakistan, Sri Lanka and Fiji would grow and India would lose the unique opportunity it has to lure the world for "Make in India".
- Indian men in fear of possible loss would stop buying properties and it would have adverse consequences to the nation's economy.
- People would start accumulating wealth in alternate form like gold etc., which would result in a dull economy that believes in secure accumulation than investment for growth.
- With wealth and real estate not safe in India, Indian Men would surely think of investing in other countries the Black Money would be created and kept in secret. Today also in USA if a person shows \$100K worth of investment to be made he is granted Green Card in no time. This way there is a brain drain and wealth drain as well.

4. MASS CONVERSION FROM HINDU TO OTHER RELIGIONS

- Hindu men would want to convert to another religion to minimize their risks in matrimonial life. This mass conversion has its own extremely dire social complications.
- Hindu Men would stop marrying or do SAGOTRA VIVAH to keep the property in the family. This would itself create many honor killings and people taking law in their hands.

5. INCREASE IN BACKLOG OF MATRIMONIAL CASES IN INDIAN COURTS

- It is an established trend and confirmed by Apex court that, in failed marriages women are grossly misusing IPC 498a and DV Act for extortion. This amendment will be another tool and further distress families.
- India has the youngest of the average population. There is a unique combination of youth and skills in this age group. Most of the relationship/marriage/family troubles occur in this age group. If this age group is not in a stable family and relationship state the productivity of INDIA would go down drastically when most are deeply immersed in litigation battles.

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FLAWS OF THE PROPOSED MARRIAGE LAW AMMENDMENT BILL 2014:

- I. The Bill, out-rightly violates the essence of Article 15 of Indian Constitution which prohibits discrimination against any citizen on the grounds of religion or gender. The Bill is also unconstitutional as it takes away the basic rights of husbands, even to defend him or save his marriage, whereas the very same Bill gives the same rights only to the wives.
- II. Internationally in similar law, property consideration in deciding permanent alimony is purely done on equitable financial contribution to property and duration of marriage and also based on conduct of both the parties. In present bill the **contribution, duration, assets and ability of female spouse** and **liabilities and ability of the male spouse** is completely ignored.
- III. It completely ignores that a wife gets her share of inherited property from her parents under the latest Hindu Succession Act. Blindly entitling wife for share in property at the divorce time under this no-fault divorce law is against social justice and completely not gender neutral. All men are assumed to be rich and wife is assumed to be poor which is clearly not true.
- IV. Even though a marriage can fail due to the fault of the husband or the wife, the bill essentially extends the “Financial Assistance” clause only to the wife and not to the husband and this is patently anti male.
- V. When husbands are the petitioner for a divorce, the wife will be allowed to use the ‘*Financial Hardship*’ condition to block the divorce till her monetary demands are met, thereby legalizing extortion.
- VI. When a wife is the petitioner for a divorce, even though the husband may be in a “*Financial Hardship*” he will have no legal provision to claim monetary assistance from the wife or even to save his marriage.
- VII. This Bill would be widely misused against the husband who will be forced to “pay and buy” a divorce, reducing the institution of marriage into “Glorified Prostitution”.
- VIII. Government’s intention of reducing back-log of matrimonial cases would not come through with this amendment, instead of letting the couple to arrive at a mutual consent it would only pressurize men and would get into an endless court battle in higher courts and would further increase.
- IX. Government’s logic of ending the financial hardship of a divorced wife is completely flawed as even as per government 70% of Indian population needs Food Security let alone have a house or property. In other 30% only 10% own their own homes and in those only a small

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percentage is Hindu that falls under this amendment. This bill is not going to bring a social change or security in any way when seen holistically.

OVERHAUL OF THE FAMILY LAWS IN INDIA IS NEEDED INSTEAD:

1. Hindu Marriage Act is conceived as an overall a gender neutral act and it must not be made gender biased in anyway.
2. The maintenance and alimony sections (HMA 24 and 25) must be brought up-to-date considering the enhanced education, earning capacity and women friendly work atmosphere in the country.
3. As women inherit the property from her own parents under the present laws, women being given any direct or indirect share in in-laws property is illogical and against natural justice.
4. Consideration of any property while determining Alimony should be as per the financial contribution by husband and wife.
5. In case of non-financial contribution, devise a formula to evaluate minimum duration of marriage for applicability of property division as well as devise a formula to evaluate the contribution.
6. Pre-Nuptial Agreements should be made legal so as not to make marriage a gamble for Indian citizen and containing the risk of (breakage of) a marriage.

OUR DEMANDS:

1. By attempting to create draconian marriage breaking laws like Marriage Law (Amendment) Bill on one hand and to legalize prostitution on another, the government has made its intentions very clear on what it wants to do with the sacred Hindu Family. This bill needs to be immediately stopped and public opinion must be sought through an extensive public debate.
2. Issue the Draft for Public Opinion and responses on the Draft Bill.
3. Involve stake holders of similar stature in drafting procedure i.e., if there are no Men's Rights Authority (like National Commission of Men) who are part of drafting then even Ministry of Women and Child Development and National Commission of Women MUST not be allowed to participate in this procedure.
4. Initiate the process of formation of National Commission of Men involving bodies who have been working for Men for years to bring the equitable balance back into the society in terms of Laws and Law Making process.

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5. Initiate a Parliamentary Committee (Joint Select Committee) procedure to relook at the Draft and see if there is a need of such a law and if it is as per the guidelines of Hon'ble Supreme Court or being formed under pressure of some interested parties.
6. Amending section 13D and making it gender neutral and allowing both the Husband and Wife to pray for 'Financial Hardship'.
7. Providing a clear & objective definition of "Financial Hardship" so that this term is not interpreted in a wrong way and divorces are not sold by wives. All other maintenance cases filed by the wife, like Sec 24, CrPC 125, DV etc., should not be allowed to continue, blocking the judicial dockets, as the relief sought in all of them, will also be available in this Bill only.
8. Creating objective parameters for calculating financial assistance like tenure of the marriage and relative sacrifice made by the parties in the marriage.
9. Reduce separation period from 3 years to 1 year under Section 13C – petition for divorce only after 1 year of marriage.
10. Include condition of finishing/quashing all litigation before divorce is granted so that both parties can live peacefully and that judicial burden can be reduced.
11. Condition of closing child custody litigation before granting divorce under Section 13C, so that rights of child to seek the involvement of both parents are not taken away from it.

APPEAL TO THE PRESS:

We earnestly request your immediate intervention since such half-baked hastily prepared formulations, sans due consultation, & based on unfounded prejudices, have the potential to grievously imperil the social fabric of the society. This is apart from the stupendous economic impact caused by the matrimonial disputes and their offshoots including criminal cases. It is well acknowledged that Indian laws, i.e., the legal framework that enables a society to believe in justice and devote its energies to productive endeavors, has not kept pace with the times, is badly outdated and is designed more to benefit the legal fraternity than the litigating parties, howsoever pitiable and needy they may be. Strife and discord can only harm a society's march towards improved quality of life. The new government has enthused the nation by giving it a vision, courage to dream big and to have faith in its ability to achieve the same but all this would necessarily require a healthy society where the mind is fearless. We request you to have the above matter find a priority place in your newspaper for benefit of the Nation. Jai Hind!

Thanking You,

For Save Indian Family - Karnataka, Bengaluru

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A COMPARISON OF INTERNATIONAL LAWS

Country	Pre-nuptial agreements valid?	Both Spouse's property impacted?	Pre-Marital Property Divided?	Post Marital Property Divided	Inherited/ Inheritable Property Divided?	Duration of Marriage Considered?	Division of Property
U.S.A	Yes	Yes	No	Yes	No	Yes	<p>Total 9 states out of 50 States follows community property law, means 50-50 division of post marital property only.</p> <p>Rest 41 States divide property on the basis of Marital property law where</p> <ul style="list-style-type: none"> • Financial contribution considered • Not equal • Depends on many factors
U.K	No	Yes	Rarely	Yes	Rarely	Yes	<ul style="list-style-type: none"> · Financial contribution considered · Not equal · Depends on many factors
Chile	Yes	Yes	No	Yes	Rarely	Yes	<ul style="list-style-type: none"> · Financial contribution considered · Not equal · Depends on many factors
Singapore	Yes	Yes	Rarely	Yes	No	Yes	<ul style="list-style-type: none"> · Financial contribution considered · Not equal · Depends on many

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							factors
Indonesia	Yes	Yes	No	Yes	No	No	<ul style="list-style-type: none"> · 50-50 Post Marital Property in absence of Prenuptial, · DEBTS are also Joint responsibility
Goa (Portuguese Civil Law – 1910)	Yes	Yes	No	Yes	No	No	<ul style="list-style-type: none"> · 50-50 Post Marital Property in absence of Prenuptial.
China	Yes	N/A	N/A	N/A	N/A	N/A	<ul style="list-style-type: none"> · No Property Division, owner is one who paid for it.
Proposed Marriage Amendment Bill	No	No, Only Husband	Yes	Yes, Only Husband	Yes, Only Husband Side	No	Anonymous
SIF Recommendations	Yes	Yes	No	Rarely	No	Yes	<ul style="list-style-type: none"> · No Property Division, Owner is one who paid for it. · only in case of Handicaps and break in employment is more than 4 years prior to divorce and Marriage duration is more than 7 Years

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