

TEARY EYES

ISN'T YOUR DESTINY

**STOP
FALLING**

**IN LOVE
FOR WOMEN
INTO THE TRAP**

HELPLINE FOR MEN
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Men's HUB

My Voice



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Regional language also can be submitted, for regional language acceptance will be based on availability of reviewers for the language.

Whoever is interested can join our creative platform by sending a message.

<http://menshub.info>

MEN'S HUB

Oct 1st, 2021

From the Desk

Editor

The men's HUB was an initiative to publish experiences by common men, the objective will continue as main attractions of the magazine. Articles in Hindi or English shared by various readers as well as professional authors will be published. The articles can cover any recent incident, event or experience of the readers. Although we are morally bound to stay with our main objective but to cover more areas we ourselves limit to number of articles or number of pages. In any edition we limit yourself to cover 3 to 4 articles in max 20 pages.

Keshav & Sharma

Keshav & Sharma is a cartoon series originally started by Men's HUB & Daaman Welfare Society with the help of Volunteers. Mr. Diljeet & Mr. Anupam Dubey are the main artist of the series and the scripts are written by volunteers. Keshav & Sharma are two main characters representing our society's bias against men. There are many more characters with these two leading characters. Every issue now onward will cover at least 2 scripts and 1 graphic representation of Keshav & Sharma.

Raja Rani

Raja Rani is a series started by Men's HUB with the help of Swastik Day. This series will be covering various gender issues with the help of two dimensional stories. One dimension will be focusing on women and the second will be focused on men.

Each episode will have the motive of the story in form of two liner graphics. All graphics are designed by Swastik Day.

Azaad Parinda

This section is for those who believe in freedom. All sections are not for all but people must remember that no section is for all. Every section of the magazine is for someone special. Azaad Parinda is a collection of stories based on men's freedom.

Men's Panchatantra

The section is a newly introduced section. In this section volunteers will try to raise men's issues they face in daily life with the help of various stories including human as well as animal characters. Animals will be used as representatives. Every issue will cover at least one of such stories.

Special Coverage

This section is an introductory section to tell you about something special. The section will be in slides format and will cover important points in brief, we won't go into detail but we will try to cover the important facts about the topic and also we will try to speak about the source of the fact.

Inspirational Story

An inspirational story for the betterment of men which can motivate men to fight for their rights and justice.

Social Media

This section is to cover various activities by various NGO working for men on social media. This won't be a separate section but will be an integral part of other topics.

<http://menshub.info>

MEN'S HUB

Oct 1st, 2021

Editorial

Issue 23rd of Men's HUB is in your hand. If you did not notice I would like to inform you that the domain name (website url) which we were using earlier is no longer in use, we have already shifted to a new domain <http://menshub.info>

Men's Hub was started with a solo motive to provide a platform for everyone, everyone including professional as well as non-professional writers. During the last 4 years we have seen many changes, some of them for good reason. One of the major changes was url shifting. Now we have shifted to a new url with full strength.

The men's HUB was an initiative to encourage a common man to share his experience without thinking about his capabilities. With a large number of new writers coming forward to share their experience, we can say we are doing good as long as our target is common men. Articles in Hindi or English shared by various readers as well as professional authors are published in the present issue. These articles covered various aspects of life including corona. Although we are morally bound to stay with our main objective but to cover more areas we our-self limited to number of articles or number of pages. In any edition we limit our-self to cover 3 to 4 articles in max 20 pages.

This is the third issue of the year 2021. For the past many months the world has been facing a crisis created by corona and we hope to come out of this crisis soon. Meanwhile we need to learn how to stay healthy with corona. Almost everyone has decided a few resolutions for the year 2021, because of corona it may be possible that some resolutions are difficult to achieve. For our team the same thing happened, during the last 2 month many of our team members were not feeling well, even some of them hospitalized too. As a result we decided to release this issue with minimum resources and efforts.

Corona attacks humanity with full strength and we need to fight back, but we also need to remember corona is just one aspect of life. It's not life we have many things to do. During the last few months we were having a lot of free time. How to spend time was our choice. Most of us spend a lot of time on social media and during those few months few things like corona, labour, india-china relations, vikas dubey encounter, agriculture bill, economy, job loss etc are major issues in discussion. Corona is part of life we can not ignore, but we can learn to live with corona till we get a final solution: a safe medicine and waxine.

The end of 2020 was not a silent one. Protests against agricultural bills are on high and many farmers are protesting at the Delhi border. Many people are supporting the protest and many are opposing. There are people on social media who call these protesting people anti-nationalist or terrorists or something similar. What I know is they are using their fundamental right to protest, they are not violating our constitution. They can be anything but not terrorists, their protest itself is the proof. The Govt and SC of India allow them to protest. What will be the outcome, I don't care what I care about is their protest is a reminder that we are living in democracy. Year 2021 is also going on the same path.

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MEN'S HUB

Oct 1st, 2021

Law News

WhatsApp group administrator cannot be held vicariously liable for content posted by group member

Kishor Tarone Vs State of Maharashtra

Bombay HC, Nagpur Bench

01/03/2021

CRIMINAL APPLICATION (APL) NO. 573 OF 2016

A WhatsApp group is such that its administrator does not have power to regulate, moderate or censor the content before it is posted on the group, the Court noted.

The administrator of a group on messaging application, WhatsApp cannot be held liable for objectionable content posted by members of the group, the Court ruled

A WhatsApp group is such that its administrator does not have power to regulate, moderate or censor the content before it is posted on the group, the Court opined.

If a member of the Whatsapp group posts any content, which is actionable under law, such person who puts such posts can be held liable under relevant provisions of law, the Court clarified.

"(But) In the absence of a specific provision in law creating vicarious liability, an administrator of a Whatsapp group cannot be held liable for objectionable content posted by a member of a group," the Court underscored.

In the absence of a specific provision in law creating vicarious liability, an administrator of a Whatsapp group cannot be held liable for objectionable content posted by a member of a group. - Bombay High Court

The Court, therefore, quashed the First Information Report (FIR), chargesheet and further proceedings arising against the administrator of a WhatsApp group who was charged with offences under Sections 354A (passing sexually coloured remarks) and 509 (insult modesty of woman) of the Indian Penal Code and Information Technology Act and proceedings arising from them.

The petitioner, Kishor Tarone, had challenged the FIR and chargesheet filed before the Chief Judicial Magistrate at Gondia.

The accusations against Tarone was that as a WhatsApp group administrator, he had not removed the primary accused of the case from the group nor asked the accused to submit an apology for using filthy language against the complainant, a female member of the group.

The Court observed that a group administrator cannot be held vicariously liable for an act of member of the group, who posts objectionable content, unless it is shown that there was common intention or pre-arranged plan between the members and administrator.

"When a person creates a Whatsapp group, he cannot be expected to presume or to have advance knowledge of the criminal acts of the member of the group," the judgment stated.

From the facts of the present case, the Court opined that even if the allegations in the FIR and the material in the charge-sheet are considered as true, the ingredients of the offence alleging passing of sexual remarks under the Indian Penal Code are not fulfilled.

"When a person creates a Whatsapp group, he cannot be expected to presume or to have advance knowledge of the criminal acts of the member of the group."

"Non-removal of a member by administrator of a Whatsapp group or failure to seek apology from a member, who had posted the objectionable remark, would not amount to making sexually coloured remarks by administrator," the Court stated and quashed and set aside the proceedings against the petitioner.

Recovery proceeding under Domestic Violence Act only an ancillary proceeding, not a bar to subsequent adjudication by family court

Mahin Kutty Vs Anshida

Kerala HC

09/04/2021

Mat. Appeal. No. 739 OF 2014

The High Court has held that recovery proceedings instituted under Section 20 of the Domestic Violence Act would not operate as a bar on a Family Court adjudication of the matter.

The Court ruled that proceedings under the Domestic Violence Act were ancillary to the main inquiry of whether the woman faced domestic violence in the home.

Therefore, the court said, "The substantial issue in a proceedings under Section 20 must be domestic violence. The relief of monetary claims under Section 20 is ancillary relief. Therefore, the outcome in ancillary proceedings, that too in the proceedings in the nature of inquiry itself will not bar the Family Court or any other competent court having power to adjudicate such dispute."

The Court emphasized that the principle of res judicata "barred a court from adjudicating the same issue which has been conclusively decided by the competent forum or court between the same parties."

The Court underscored that any adjudication necessarily involved deciding the rights and obligations of the parties before it. Because there was no adjudication of rights or obligations under the Domestic Violence Act, there was no adjudication.

"If no right of the parties is decided conclusively in the proceedings, then outcome, if any, of such proceedings cannot be treated as an outcome of adjudication," the judgment states

What was envisaged under the Act was an inquiry, an inquisitorial procedure, rather than another platform for the adjudication of disputes, the bench additionally points out in the judgment.

Laying stress on the fact that the Domestic Violence Act was beneficial and intended to protect women from domestic violence, the Court said, "The very objective of the Act is to protect the women as against the violence that occurs within the family and for matters connected therewith. The Act, therefore, conceives a scheme of protective measures with an object to protect women. The scheme of the Act on a close scrutiny, would reflect the intention of the parliament, that it was not enacted to create another platform for adjudication of disputes arising out of any matrimonial dispute, but to take measures to protect the women. The proceedings are therefore, understood as supplemental provisions besides the right to adjudicate any dispute arising out of a matrimonial relationship as conferred under law before the competent civil court or Family Court or criminal court. The protective measures as required to be passed may include residential orders, monetary reliefs, custody orders etc. The

objective criteria in such proceedings is to protect the women and not to adjudicate upon the dispute."

After these findings, the Court proceeded to dismiss the appeal before it.

The Court's observations were in response to an appeal filed by a husband whose wife had filed a petition before a Judicial First Class Magistrate's Court for the recovery of her money and gold ornaments under Section 20 of the Domestic Violence Act. After the Section 20 petition was rejected, she filed a petition seeking the same relief in a Family Court. The husband's preliminary objection to the Family Court's competence to decide the case was dismissed. Aggrieved, he moved the High Court.

Taking the stance that the proceedings before the Magistrate were supplemental to the larger inquiry of whether there was domestic violence, the Court dismissed the appeal.

The Court pointed out that the outcome of the inquiry proceedings would be relevant while deciding the dispute in subsequent proceedings before the Family Court, which was empowered to decide upon matters relating to the home and family. "The Apex Court in [Satish Chander Ahuja v. Sheha Ahuja](#) [AIR (2020) SC 5397] opined that such order under the Act is a relevant evidence as contemplated under Sections 40 to 43 of the Evidence Act", the Court observed.

With these observations, the appeal was dismissed.

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MEN'S HUB

Oct 1st, 2021

Crime News

Advocates and few Law Students from various law colleges have written a detailed letter to the Hon'ble Chief Justice of India on June 23rd 2021, urging him to take Suo moto cognizance apart from directing the Law Ministry to formulate a law governing cruelty against men to eradicate their helplessness and to fill in the lacuna in the law.

The same is reproduced below for you all.

Dated: 23.06.2021

To,

The Hon'ble Chief Justice of India.

Supreme Court of India.

New Delhi.

Subject- Request for Revisiting Section 498A of the Indian Penal Code. 1860

Respected Sir,

From its very inception, the Supreme Court of India has successfully acted as the 'sentinel on the qui vieve' vis-a-vis fundamental rights, especially with respect to the fundamental right of equality. It has kept pace with the developments of the society and has time and again reiterated that the Constitution is committed to an idea of substantive equality, i.e. it had to take the actual circumstances of people into account when determining what constituted 'equal treatment'. Even so, in the current scenario, Section 498A of the Indian Penal Code, 1860 fails to provide such substantive equality, depriving the person aggrieved of his legal remedy.

Section 498A was brought into the Indian Penal Code, 1860 in the year 1983 with the avowed object to combat the peril of cruelty to a married woman for want of dowry, which often led to their death, and to curb the menace of harassment to a woman at the hands of her husband or his relative. The object for introducing this Section is reflected in the Statement of Objects and Reasons while enacting Criminal Law (Second Amendment) Act No. 46 of 1983, which clearly states 'the increase in number of dowry deaths is a matter of serious concern'.

However, the alarming statistics of present times depict a whole new slate of affairs. Over the two decades of the 21 Century of India, women's suicide is reduced by 2 per cent, while male's suicide is increased by 48 per cent. Male suicides in India are much more than double that of women's suicide, as per the ADSI 2019 report of the National Crime Records Bureau (NCRB). This means that India loses a Son to Suicide every 5.38 Minutes or that more than 11 Sons are forced to commit suicide every hour, as against about 4 female suicides every hour. Concentrating precisely on the suicides of Married Men, the ADSI 2019 Report has shown an unprecedented increase in the Husband Suicide Index by almost 61 per cent rise in the past 20 years (21st Century).

A woman doesn't marry you. She marries the lifestyle you are living. A woman doesn't marry you. She marries the lifestyle you are living.

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