

MEN'S HUB

MY VOICE



INDEX

1	Law News	Men's HUB Team	7
2	Crime News	Men's HUB Team	10
3	Information	Men's HUB Team	12
4	DAAMAN - 10th National Meet	Daaman Welfare	17
5	Is Media Biased Against Men-Submission	Amartya Talukdar	24
6	Do You Know ?	Men's HUB Team	26
7	Marital Rape & Men's Rights Surrogacy and Adoption : medical and legal options for single or separated men : A Short Essay	Amartya Talukdar	27
8	केशव & शर्मा : जेंडर बायस्ड लॉ	Dr. G.Singh	31
9	Marital Rape & Men's Rights	Karan Doshi	32
10	Advice	Men's HUB Team	39
9	Why Egalitarianism Failed in Kidbutz	Partha Sadhukhan	40
10	केशव & शर्मा : Pyar & Sex	Anupam Dubey	46
11	Understanding Neglect of Elder Abuse & Childs Boys Issue in Current India	Pankaj Gupta	47
12	Indian Society	Men's HUB Team	57
13	Men's Panchtantra : Father	Men's HUB Team	61

14	<i>Half Law (Adha Law)</i>	<i>Harish Vyas</i>	63
15	<i>Science</i>	<i>Dr. G.Singh</i>	66
16	<i>G-War</i>	<i>Dr. G.Singh</i>	67
17	<i>About The Writers</i>		69

LAW NEWS

पत्नी किसी और के साथ रही तो भी कम नहीं होती पति की जिम्मेदारी

July 30, 2018

कुटुम्ब न्यायालय ने भरण-पोषण के एक केस में महत्वपूर्ण फैसला सुनाया है। कोर्ट ने कहा है कि पत्नी अगर कुछ दिन के लिए किसी और के साथ रहती है तो भी पति की जिम्मेदारी कम नहीं हो जाती है। उसे पत्नी को भरण-पोषण तो देना ही होगा।

जानकारी के अनुसार खजराना क्षेत्र निवासी उषा कटारिया ने पति ऋषि कटारिया के खिलाफ भरण-पोषण पाने के लिए केस दायर किया था। महिला का कहना था कि उनकी शादी फरवरी 1981 में हुई थी। उनके दो बच्चे भी हैं। करीब 12 साल पहले आपसी विवाद में पति ने घर से निकाल दिया। इसके बाद से वह बेटे के साथ अलग रह रही है। उनकी आय का कोई साधन नहीं है। इधर, पति ने कोर्ट में उषा को पत्नी मानने से इनकार कर दिया। उसने कहा कि उषा मुस्लिम है और उसका असली नाम नरगिस है। उसने उसे कुछ दिन आसरा जरूर दिया था, लेकिन कभी शादी नहीं की। वह सिर्फ ब्लैकमेल करने के लिए भरण-पोषण मांग रही है। उसने अब तक धर्म परिवर्तन भी नहीं किया है, इसलिए उसे पत्नी माना ही नहीं जा सकता। पति ने यह भी कहा कि उषा ने 1985 में नूर मोहम्मद नामक व्यक्ति से निकाह कर लिया था। इसके समर्थन में उसने काजी इशरत अली के बयान भी कोर्ट में करवाए और निकाह के दस्तावेज प्रस्तुत किए।

पत्नी ने पेश किए पुराने प्रकरणों के दस्तावेज

उषा की तरफ से एडवोकेट कमलेश गौसर और सुनील पाटीदार ने तर्क रखा कि ऋषि की खजराना गणेश मंदिर के पास दुकान और पांच मकान हैं। इनसे उसे हर माह हजारों की कमाई होती है। उषा की तरफ से उन पुराने प्रकरणों के दस्तावेज प्रस्तुत किए गए जिनमें ऋषि ने उसे पत्नी स्वीकारा था। कोर्ट ने दोनों पक्षों को सुनने के बाद ऋषि कटारिया को हरमाह पांच हजार रुपए भरण-पोषण के रूप में देने के आदेश दिए।

यह माना कोर्ट ने

इधर, कोर्ट ने यह भी माना कि उषा और ऋषि कटारिया पति-पत्नी की तरह साथ रह रहे थे। बाद में उषा ने नूर मोहम्मद से निकाह कर लिया था, लेकिन वह कुछ दिन बाद ही वापस ऋषि के पास लौट आई थी। ऋषि के साथ पत्नी के रूप में रहने पर ही उनकी दो संतान भी हुईं। पत्नी के कुछ दिन किसी और के साथ रहने से पति का दायित्व खत्म नहीं हो जाता।

PATRIKA

Kerala High Court warns against misuse of POCSO Act provisions

July 29, 2018

Flaying the practice of levelling false sexual abuse charges against someone with the aim of wreaking vengeance, the Kerala High Court has held any attempt to misuse the provisions of the Protection of Children from Sexual Offences Act (POCSO Act) to settle scores needs to be nipped in the bud.

The court made the observation when a POCSO case charged against a person was found to be fictitious. The court also ordered to inquire whether prosecution steps can be taken under section 22 of the POCSO Act against those who made the false complaint.

According to the court, an allegation of sexual abuse of a child is a matter of serious concern which affects public conscience. "The POCSO Act provides for very deterrent punishment to the guilty. Hence, a false case of sexual abuse of a child has to be treated very seriously and any attempt to implicate a person falsely in an offence under the provisions of the POCSO Act has to be seriously dealt with," it observed.

The court issued the order while dismissing a petition filed by Sujatha, mother of the victim minor girl in the case, seeking a directive to entrust the investigation with a special investigation team. According to the complaint, the accused trespassed into the house of the petitioner and caught hold of her 16-year-old daughter while she was alone. The petitioner alleged the case was not effectively investigated by the police.

The court noted the statements of the mother, victim, neighbours and the teachers to whom the victim allegedly disclosed the details were recorded.

Though the victim was stated to have disclosed the incident to the teachers, despite repeated questioning, she conspicuously did not reveal the name of the accused, who was her neighbour and known to her. She revealed the name of the accused two days thereafter. The police found the accused was at Karunagappally, far away from the alleged place of the incident at Sasthamcotta, on that day.

New Indian Express

**Bombay HC: Pheras Around Burning Incense Sticks is Saptapadi
u/Hindu Marriage Act**

May 10, 2018

In a recent case, the Bombay High Court while deciding a matrimonial case recognized a bundle of burning agarbattis as "sacred fire" under Section 7 of the Hindu Marriage Act, 1955.

HC of MAHARASTRA

SC of INDIA : Woman can file complaint against ex-husband for cruelty even after divorce

May 12, 2018

A woman can lodge a complaint under the domestic violence law against the excesses committed by her ex-husband even after the dissolution of marriage, the Supreme Court has said. The top court refused to interfere with the order of the Rajasthan High Court which held that the absence of subsisting domestic relationship in no manner prevents a court from granting relief to the aggrieved woman. The high court had passed the order while adjudicating a matrimonial dispute. A bench of justices Ranjan Gogoi, R Banumathi and Navin Sinha dismissed the appeal against the high court verdict, saying it was not inclined to interfere with the order in the facts of the case.

CRIME NEWS

NRI ends life over wife's 'illicit relation'

July 30, 2018

A 29-year-old man allegedly committed suicide by consuming poison just two days after returning from Dubai. It is believed that he took the extreme step because of his wife's alleged illicit relationship. The deceased has been identified as Karan Aast of Shimlapuri.

Daba police registered a case under Sections 306 (abetment to suicide) and 34 (act done by several people in furtherance of common intention) of the IPC against wife Vinny and her mother Maninder Kaur on Saturday. Initially, the police had started proceedings under Section 174 of CrPC in the matter.

Karan got married to Vinny eight years ago. He went to Dubai two years back where he worked as a driver.

Karan's brother Joginder Singh said his brother Karan returned on July 24 and went to Vinny's house as she used to live with her parents. On July 26, Karan came to his house where his health deteriorated. He was taken to a hospital where he died.

ASI Satvinder Singh, investigating officer, Daba police station, said during investigation, the police found out that Vinny had an illicit relation. Her mother Maninder Kaur was also aware of it. When Karan returned to India, he came to know about Vinny's alleged 'illicit relation' due to which he consumed poison, the cop added.

Times of India

Woman fined for lying to get hefty alimony

May 12, 2018

In an exceptional order that could have a bearing on other cases related to marital dispute, a 36-year-old hospital employee from the city — who lied under oath to seek a fat maintenance from her estranged husband — will have to face a major penalty for 'perjury'. Despite earning Rs 15,000 per month, she had informed the family court that she was a homemaker and, therefore, liable to get alimony. The court refrained from filing an FIR against the woman, but imposed a fine of Rs 5,000 for lying under oath. The fine will be deposited in the government treasury.

शादी के 6 माह बाद पैदा हुआ बच्चा, **DNA** टेस्ट से घबराई पत्नी ने किया ऐसा काम

बालाघाट - जिला अस्पताल में तीन दिन के नवजात की संदिग्ध स्थिति में हुई मौत के मामले में शुक्रवार को नया खुलासा हुआ। नवजात को उसकी मां ने ही गला घोटकर मार दिया था। पिता को पहले से ही शक था कि बच्चे की मौत सामान्य नहीं है। बाद में जब पीएम हुआ तो हकीकत सामने आ गई। इधर, जब पुलिस ने नवजात की मां से पूछताछ की तो उसने अपना जुर्म भी कबूल कर लिया। बाद में उसे जिला अस्पताल से ही गिरफ्तार कर लिया गया।

पुलिस के अनुसार, चांगोटोला क्षेत्र निवासी चंचल भगत की मई 2017 में शादी हुई। शादी के 6 महीने होने को आए थे कि पत्नी ने 9 महीने के स्वस्थ नवजात को जन्म दे दिया। पति को संदेह हुआ तो उसने बच्चे का डीएनए टेस्ट कराने की बाद कही। इस पर पत्नी पहले तो नाराज हुई फिर कहीं उसका राज लोगों के सामने न आ जाए इस डर से मौका मिलते ही नवजात को मौत के घाट उतार दिया। पुलिस पूछताछ में महिला ने कहा कि उसने बदनामी के डर से नवजात की हत्या कर दी।

अब पुलिस को तीसरे की तलाश

पुलिस अब महिला से पूछताछ कर तीसरे व्यक्ति की तलाश में जुट गई है। उक्त व्यक्ति की तलाश के बाद पुलिस मामले की तह में जाने के लिए उसका डीएनए टेस्ट कराएगी।

INFORMATION

Should a petition be filed in Supreme Court seeking similar directions as in the SC/ST Act case, to prevent misuse of s.498A and the PDV Act?

Aug 1, 2018

Many people, including dalit leaders, have criticised the Supreme Court judgment in Subhash Kashinath Mahajan vs State of Maharashtra (see online). In this judgment the Court has said that before registering an FIR under the SC/ST Act a preliminary enquiry must be held by the police to determine whether there is any prima facie case, and no arrest should be made before getting permission from the appointing authority (in case the accused is a public servant) or the SSP (if he is not), and the authority granting permission must record his reasons. Anticipatory bail can also be granted in suitable cases.

No doubt these directions are legislative in nature, and hence they can be questioned as judicial overreach. But there is no doubt that the Court's concern was genuine since the SC/ST Act is often grossly misused.

But leaving this issue aside, one doubts the efficacy of the SC/ST Act. No doubt this law was made because dalits are treated horribly in Indian society even today. But can social evils be eliminated by legislation ? If that were so, all social evils in India could be abolished by simply making a law against them. Why not abolish the caste system by making a law outlawing it ?

Many laws have been made for protection of women e.g. section 498A IPC and Protection of Domestic Violence Act. But these laws are often grossly misused, and have in fact become a weapon in the hands of estranged, cantankerous, vindictive wives to blackmail their husbands. Often FIRs are filed by them falsely implicating not just the husband but also a host of the husband's relatives e.g. his parents, aged grandparents, uncles, aunts, brothers, sisters, cousins etc. The result is that the police arrests all of them, or often demand bribes for not doing so. Marriageable age sisters of the husband who are falsely implicated find it difficult to get married. The wife often blackmails by demanding a huge sum of money, and the police also often demand bribes.

I suggest a petition be filed in Court seeking similar directions as in the SC/ST Act case to prevent misuse of sec 498A and the PDV Act.

Justice Markandey Katju's Facebook post.

Women work longer hours than men

Jul 31, 2018

Never underestimate the power of feminist mathematics

Women are working longer hours while men are putting in less time for their money.

And yet the pay gap between the sexes has widened, research revealed yesterday.

A nationwide survey of 1,600 employees found that women now work almost 34 hours a week on average - half a day longer than the figure of 30.4 hours five years ago.

According to the Chartered Institute of Personnel and Development (CIPD) which carried out the research, the shift reflects the growing number of women in more demanding management roles and professional jobs.

Over the same five-year period, men's average work hours fell from 45.5 hours per week to 44.8 hours, although among the hardestworking males the number putting in more than 49 hours a week has passed the three million mark.

Separate research from the Office of National Statistics shows the average salary gap between men and women has grown from 18 per cent to 19 per cent over the past three years - largely because of disproportionate pay rises among senior bosses, more of whom are male.

Women are also more likely to be found in relatively poorly-paid caring professions than men, pushing down their overall average wages.

Patricia Hewitt, Trade and Industry Secretary and Cabinet Minister for Women, has promised more help to promote flexible working, particularly for women.

According to the CIPD, more women are now working full time and staying in jobs for longer because of improved maternity provision.

The study found one in four people believed Britain's culture of working long hours had taken its toll on their mental health, while a similar proportion said their sex life or relationship with their children had suffered.

Almost three-quarters of those working long hours admitted they were likely to go to work even if they were ill, while two thirds had gone to the office on public holidays in the past year and half said they would put work ahead of a personal commitment.

Yet most said they believed excessive hours meant they performed worse in the workplace, taking longer to complete a task and making more mistakes-Mike Emmott, head of employee relations at CIPD, said: 'The negative effects of working long hours are increasingly recognised.'

But he said the survey found little support for ending Britain's optout from the European Working Time Directive aimed at limiting the working week to 48 hours, and around half of those who worked long hours said they did so out of choice.

The UK is the only EU country where workers can opt out of the directive, although the rules are under review. Technically workers cannot work more than 48 hours without signing an agreement.

Past research has found the average UK worker puts in 43.6 hours a week compared with 38.4 hours a week in Belgium, which boasts Europe's shortest working week.

The Government claims from its own surveys that the number of workers putting in more than 48 hours a week has fallen from 23.5 per cent to 20.4 per cent over the past six years, while the average working week has shrunk by around one hour over the same period.

DailyMail

NCPDR mediation cell for women fleeing with kids from abroad to escape domestic violence: Maneka Gandhi

July 29, 2018

Gandhi said her ministry was desperately looking for a solution for women who have fled from abroad with their child to escape domestic violence or for some other issue.

A mediation cell has been opened on the National Commission for Protection of Child Rights' (NCPDR) website to register complaints of Indians who have fled with their children from abroad to escape domestic violence or some other issue, Union minister Maneka Gandhi has said.

Addressing a national conference of the state women commissions, Gandhi yesterday said the cell, consisting of members of the Ministry of External Affairs and the NCPDR, would contact the embassies of the respective countries and try to reach a solution after consultations with them.

About why India should not become a signatory of the Hague Convention, she said if India was a signatory, then the child would have to be sent back and the woman apprehended.

"We refused that we would not send our women back so their child is snatched away from them," the Women and Child Development minister said.

She said her ministry was desperately looking for a solution for women who have fled from abroad with their child to escape domestic violence or for some other issue.

"We haven't come to a solution, but till a solution is reached this cell has been formed," Gandhi added.

The Hague Convention is a multi-national treaty that seeks to protect children wrongfully removed by one of the parents from the custody of the other parent.

She recommended members of the women commissions to follow three things — release a book on the performance every year, identify single cases and try to solve them and hire lawyers for women who cannot afford it.

Money Control

MEA developing portal to serve summons, warrants against absconding NRI husbands: Sushma Swaraj

July 29, 2018

The MEA is developing a portal where summons and warrants against absconding NRI husband's would be served, and if the accused does not respond he would be declared a proclaimed offender and his property would be attached, Union minister Sushma Swaraj said today.

She said for coming up with such a portal, there needs to be amendments in the Code of Criminal Procedure (CrPc) that would allow district magistrate to accept such summons and warrants put on the portal to be "deemed as served".

The External Affairs minister said the Law Ministry, Legislative Assembly, Home Ministry and the Women and Child Development Ministry have agreed on the proposal.

Swaraj said the move aims to prevent NRI marriages where husbands abandon their wives and abscond or mentally and physically abuse them after marriage in a foreign country.

According to the Ministry of External Affairs, 3,328 complaints have been received during the last three years (January 2015 to November, 2017) from distressed Indian women deserted by their NRI spouses.

In a bid to prevent such fraudulent marriages, the Ministry of External Affairs is developing a portal, where summons and warrants against absconding NRI husbands would be served, and if the accused does not respond he would be declared a proclaimed offender and his property would be "attached", Swaraj said.

Attachment is a legal process by which at the request of a creditor, designates specific property owned by the debtor to be transferred to the creditor, or sold for the benefit of the creditor. The creditor in this case would be the victim.

"We are trying if the amendments could be introduced in the Cabinet and we would try to get it passed in the next Parliament session," she said at the national conference on NRI Marriages and Trafficking of Women and Children.

But in the meantime, an inter-ministerial committee has been established for which the Ministry of Women and Child Development is the nodal authority.

The committee also has members from the Law Ministry and the Ministry of External Affairs and based on their recommendations lookout notices against eight absconders have been issued and their passports have been cancelled.

"The accused whose passports were revoked have surrendered," she added.

A Women and Child Development official has said the committee has received 70 complaints in the last two months based on which the National Commission for Women conducted its probe and recommended cancellation of eight passports.

Delhi: External Affairs Minister Sushma Swaraj with Maharashtra Women Commission chief Vijaya Rahatkar during the 'National Conference on NRI marriages and trafficking of women and children', in New Delhi on Friday, July 27, 2018.

Economic Times



10th National Conference on
Men's Issues
11 to 13 Aug 2018

Dear Men's Rights Activists,

Daaman Welfare Society and Trust is delighted to invite the brethren to the 10th Annual National Meet of Save Indian Family Movement (SIFM). The details are as set out in this invitation.

It's been many years since SIFM, the torch bearer of Men's Rights in India, did first raised its voice on the cause of men's rights. An issue hitherto unheard-off and frowned upon by many, till date. Persistent efforts, hands on work and selfless sacrifices of many unsung heroes had brought fruits to the movement in more ways than many. The best of these efforts are recognized, strategies made and tones are set for future work, when activists from across the country connect personally on the occasion of National Meet.

National Meet is the movement's most exciting event of the year. It's an opportunity to welcome new participating chapters and activists from across the country. A chance to meet and hear the experts and stalwarts of Men's Rights Movement in India (MRM) who descend to share their achievements and activities. Also, assess the impact of our works on the movement and the society at large.

While the movement started to take shape many years ago, the idea of organizing a national meet was only scaled a decade ago. Time flew by and it's been a decade since such events were organized by various chapters of SIFM. Year 2018 will mark the 10th such National Meet. Daaman is pleased to welcome you on this occasion and solicits the

presence of activists from across the country to discuss pressing issues, resolve and enlighten the movement on its way forward. This year's edition of the National Meet is being organised in Varanasi.

About the City of Varanasi - A centre of pilgrimage, tourism and politics too... Mythological beliefs mention Varanasi, a.k.a Kashi as the oldest living city on the planet. Mythology, even going on to state that the City of Varanasi is situated on the forehead of SheshNaag (the serpent on which Lord Vishnu rests), which even makes it a different land within the planet Earth. It's a city that has seen the tides of changes and generations of humans come and go. Many even choose to come to Varanasi to breathe their last, as it's believed that a death in Varanasi is a sure ticket to moksha. Numerous temples, ghats, centers of learning, music & tantra and historic places mark the geography of this city. A visit to Kashi is incomplete if one misses these stopovers of this divine city.

Being the parliamentary constituency of present Indian Prime Minister Mr. Narendra Modi, Varanasi is presently politically relevant.

Please take this opportunity to mark your calendars and make your travel arrangements in advance. The National Meet requires you to reach Varanasi by the morning of 11th August 2018. The outline of the 10th National Meet schedule is detailed below.

Venue: Hotel Hindustan International, C-21/3, Maldahiya, Varanasi - 221 002. (Uttar Pradesh)

Phone : 91 0542-7110711 / 0542-2411484, Fax - 91 542 2410931

<http://www.hhihotels.com/hotel-varanasi/>

Event Schedule:

Check-in at Venue: 10 AM, Saturday, 11th August 2018

Check-out from Venue: 9 AM, Monday, 13th August 2018

Venue Distance:

From Varanasi Railway Station: 1.6 km

From Lal Bahadur Shastri International Airport/Varanasi Airport: 23.5 km

Single Point Of Contact (SPOC) For Each Chapter:

Each chapter is requested to nominate their SPOC for communications, coordination, nominations of delegates and payment processing. SPOCs shall be receiving the procedure to be followed for nomination and payment processing.

Agenda:

Detailed agenda of the National Meet will be shared through SPOCs and also directly to participating delegates.

Awards:

Details of awards and nomination process will be shared through SPOCs and also directly to participating delegates.

Men's Hub:

We invite articles on following topics that are important for the movement and relevant to the external world; chosen articles will be published in Men's Hub (National Meet issue) and authors awarded in the Meet!

Topics for articles:

Men and Emotions

Is media biased against Men?

Juvenile Justice Act in terms of 'child begging' and 'child labor'

Social Discrimination against Men and Boys

Affect of Juvenile Justice Act on society

Male suicides and it's prevention

Impact of family litigations on Health of Men

Lifestyle, Financials, Retirement and Old Age Planning for Men with family litigations

Surrogacy and adoptions: Medical and legal options for single or separated men

Articles must be submitted in English or Hindi by 30th May, 2018, via email to mhub@daaman.org

Video Presentation:

Two minutes to showcase your activities before the national audience.

National Meet is also a platform for SIFM chapters to showcase their achievements. Each chapter is allotted a time slot of two minute to make their audio visual presentation. Chapters are expected to showcase their recent (2017-2018) activities and achievements. It is suggested to use this opportunity to present activities undertaken for spreading awareness and taking the voice of the movement to the masses. Scheduled activities like Father's Day or Men's Day should be avoided to save time of repeating.

Timeline for SPOCs:

Announcement of 10th National Meet - 24th February 2018

Nomination of SPOCs for each chapter starts - 24th February 2018

Last date for Submission of Articles - 30th May 2018

Last date for payment of Delegate Fee - 10th June 2018

Last date for submission of final list of Delegates - 15th June 2018

Last date for submission of 2 minutes video - 30th June 2018

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