

A Study of Twenty Cases

The cases were followed up by Abha Thapalyal and Prabha Rani, and are summarised here by Abha, Prabha and Ruth

This is a summary of the 20 complaints made at the Cell which we followed up. Of these, 14 had been closed by the Cell in mid 1985.

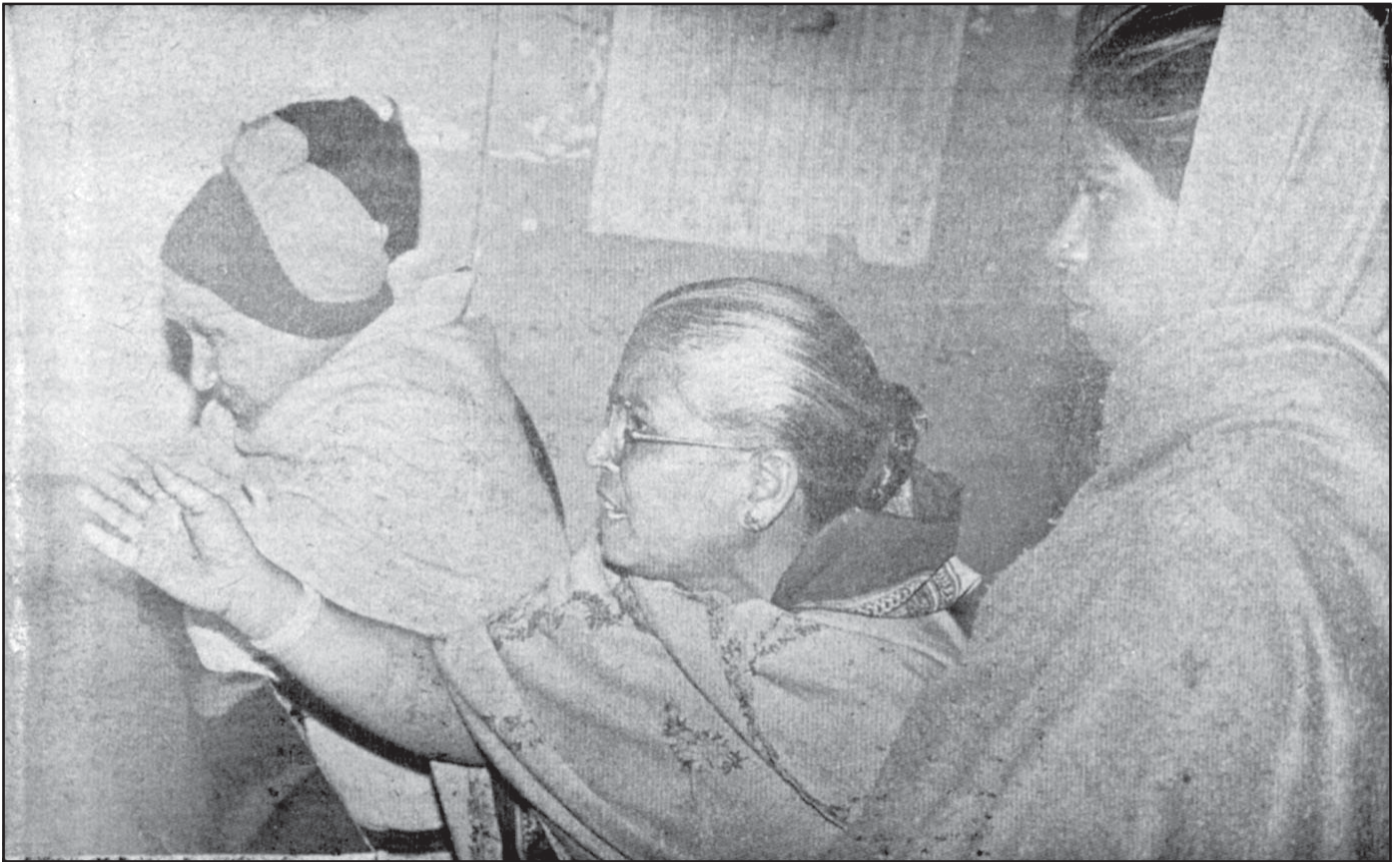
Initially, the Cell had agreed to select files for us on a random sampling basis, that is, to pull out every fifth or tenth file, but, later, they said this would make too much work for them, so they just gave us 15 “closed” files from June 1985. Of these,

we followed up one in August 1986, six between August 1986 and March 1987, and seven in March 1987. The six other cases included are those of complainants whom we happened to encounter at the Cell, during our visits there. We followed up three of these between August 1986 and March 1987, and three in March 1987.

The 20 cases can be categorised as follows:

1. Eight of the women, though victims of mental torture and sometimes physical abuse, had been brought to the Cell by their natal families with the aim not of prosecuting the husband and in-laws, but in the hope that the Cell would somehow get the husband and in-laws to take the woman back and treat her better in future. None of these women was employed.

2. Seven women had come with the aim



-Abha Thapalyal

Explaining their case

of getting back their dowries. These women and their families had decided the marriage was a failure and should be ended. Two of these women were employed.

3. In three cases, the woman had died and her natal family had complained. In two of these cases, the natal family suspected murder. All three families wanted the dowry to be returned to them.

4. Two women had come with the demand that their husbands either give them maintenance or a share in the property. In one case, the man had committed bigamy; in the other, he had maltreated the woman for 30 years and she had finally revolted, with the help of her son.

Of the 17 living women, we met 13. Of the 20 cases, we met the husband or in-laws of nine. We met the natal families of the three dead women. We met at least one member of the natal family of 14 out of the 17 living women.

Of the 17 living women, 15 were aged between 20 and 30 when they came to the Cell. Of the three dead women, two were around 20 when they died and one was 17. Of the 20 cases, 18 were brought to the Cell within five years of marriage.

Cases Compromised By The Cell

Of the eight cases in which the complainant sought reform of the husband and reconciliation with him, four ended in what the Cell terms an "amicable compromise" arranged at the Cell. The husband and wife agreed to live together again.

When we followed up these four cases, we found that three of the women were no longer living with their husbands, but the Cell was not aware of this.

The first such case was that of Gulshan. She had complained to the Cell in March 1985 that her husband and his family,

particularly his two sisters, used to beat her up and harass her.

On June 10, 1985, the Cell recorded a "compromise" in the file, on the basis that the couple had agreed to live separately from the man's family. The file also records a complaint made three months later by Gulshan's husband that she had stolen household goods from his house. Although this was an indication that all was not well, the official noting in the file is "No action is called for by the Anti Dowry Cell. However, applicant has been advised to approach the local police if he so desires." There is no further noting in the file. When we visited Gulshan's natal home, in August 1986, we found her living there with her widowed mother. She gave us the following account. After the compromise at the Cell, her husband never took her to live separately at the new flat he had rented. He continued to maltreat her, so she left a

few weeks later. She did not receive any summons from the Cell, to check up on the situation. The community *panchayat* held a meeting to consider the problem. At this meeting, Gulshan was pressured into signing a typed document which stated that the couple were now divorced and Gulshan relinquished all claim to maintenance. No mention was made of her dowry articles. Gulshan was under the impression that she was legally divorced.

In March 1987, we met her husband's sisters. They said they were prepared to keep her but she had left of her own accord. They said she had taken her dowry goods back. When we met Gulshan again, she conceded that she had got the dowry back. This return of dowry had not occurred through the intervention of the Cell.

The second case was that of Panna, aged 22, married four years ago. Her initial complaint to the Cell was against her husband's sister for harassment. The Cell closed the file, recording an "amicable compromise."

When we visited Panna's natal home in August 1986, she was there in an advanced stage of pregnancy. She had come there for the delivery and was hoping her husband would fetch her afterwards.

But, three months later, her father came to the Manushi office and complained that Panna's husband had beaten her up and refused to fetch her and her infant daughter. Her father said he had spent large sums of money trying to set up his son-in-law in petty trade but he had wasted the money and continued to be unemployed.

The third case was that of Rina, aged 25, married in 1984. We first met her in 1986. She complained that eight months after marriage, her mother-in-law beat her up and threw her out. In mid 1986, the Cell closed the case as a compromise after the husband agreed to live with Rina in a separate house.

In March 1987, we visited Rina's natal home. She was there with her infant daughter. She said that after living separately with her husband for some months, she returned to her natal home for

the delivery. Her husband visited her once, after the delivery. She was not sure whether he would fetch her. She felt uncertain and insecure. Her mother was planning to invite him over and ask him his plans.

Of the four compromise cases arranged by the Cell, only one woman was still living in her husband's house, as of March 1987. This was Rajesh.

The Cell had closed her case in June 1985 with the final comment: "It was found that there was a minor dispute over some trifling matter. Both husband and wife were willing to live together and with the assurance by the husband that he will not give any chance for any complaint, the girl readily agreed to go to her husband."

When we visited her natal home in August 1986 and March 1987, we met her mother. She gave us the following account. Rajesh was 19 when she was married in 1983. Her husband was in the habit of beating her up. On one occasion, when she came home with a bleeding head, her family took her to the local police. The policeman summoned the husband, made both sign a statement of reconciliation and sent her back with him. The mother says: "I came home weeping."

After this, Rajesh's husband again beat her up severely and threw her out with her 14 day old daughter. She came home with a bleeding head and the family took her to the Cell.

The mother says: "They scolded my son-in-law and threatened to beat him and lock him up. He started pleading with them to send her back to him. Then I don't know what they talked about in private. They settled the case and sent her with him. They told her that if he beat her again she should go straight to the Cell. So, the next time, she went there with blood flowing from her head. It was a Saturday. The Cell was closed. We got her treated. He continues to beat her. Why shouldn't he? His hands are not broken. She has to live there. How many can her brothers feed? All the blood in her body is being gradually drained away."

Thus, only one out of the four women

supposedly amicably settled with their husbands by the Cell is still living with her husband, and the intervention of the Cell has not improved her situation in any way.

Cases Dropped By Complainants

Of the eight cases where the complainant desired a compromise, four were not pursued further by the complainant at the Cell.

Of these, one was Kamla, aged 21, married in 1983. She complained that when she fell ill, her husband and in-laws had neglected her almost to the point of death. They were now threatening to have her family attacked by hired hoodlums. Her file was closed by the Cell with the comment that she had stated she was too ill to pursue the case at present and would do so only after she is somewhat recovered. She is at present living with her brother.

When we visited her there in March 1987, she and her brother said Kamla would return to her husband only if he gave a written undertaking not to harass her. They said her father-in-law refused to let his son do this and threatened to remarry him if Kamla was not sent back. No resolution is in sight.

The other three women who compromised but stopped pursuing their cases at the Cell, have returned to their husbands through negotiation processes outside of the Cell.

Tara, aged 20, was married in 1982. When we met her at her natal home in March 1987, she gave us the following account. A year and a half after marriage, her in-laws had taken away all her jewellery. In protest, she returned to her natal home. The in-laws then accused her of having taken all her jewellery with her. Angered by this allegation, Tara's family went to the local police station and lodged a complaint, which they admit was concocted, that Tara's in-laws had tried to burn her. They also complained to the Cell. They say that local police began to harass the in-laws who came and pleaded with her parents to drop the cases and send her back. They agreed

and the cases were dropped. Tara is now living with her husband.

Rita, married in 1980 at the age of 18, had complained to the Cell that her husband, Alfred, harassed and beat her up severely. When we met her father at his home, in March 1987, he said that by the time the Cell sent an officer to investigate, the family had decided to reach an internal compromise. Rita's father alleged that the

comment that Karuna was advised to approach the courts for maintenance and return of dowry.

When we met Karuna and her family in August 1986, they expressed disappointment in the Cell, saying that the officials were biased in favour of Karuna's husband, who belongs to the Congress (I) and is politically influential. They alleged that one officer from the Cell took bribes

result of a court case they had filed, he had agreed to take Karuna back, probably to avoid having to pay maintenance.

We then met Karuna at her husband's house. We were not allowed to talk to her alone. Her husband lectured us at great length, in her presence, on the faults of her family, her folly and his magnanimity.

A sample of his comments: "I have been the secretary of the block Youth Congress. Now I am programme assistant of the All India Congress Committee. So, as an eminent social worker, I was well known. When I was summoned to the Cell and walked in there, I found people there who were known to me for 10 to 15 years. They said: 'What are you doing here?' I explained. I was not afraid. I said, 'I have come for justice. You do something wrong to me and I will get you into trouble.' They said, 'Don't worry.'"

He emphasised that he would not allow Karuna to visit her parents frequently, and gloated at her having been forced to return on his terms, although she had left with what he termed arrogance: "She thought I would go and plead with her to return. But you must have heard the Sanskrit saying, 'A mouse after all remains a mouse.'"

Karuna did not say a word during our visit, except to offer tea. When her husband began to abuse her father, she quietly got up and left the room.

Thus, of the eight cases where the woman wanted her husband to take her back, four compromises were arranged by the Cell. Of these, only one woman is still living with her husband although there is no improvement in his behaviour. The other three arrangements have broken down but the Cell is not aware of this. In the four other cases, a compromise has been reached without the Cell's intervention; and all four live with their husbands.

Return Of Dowry

Of the seven cases where the woman and her family wanted the marriage to break off and the dowry to be returned, the Cell managed to get a part of the dowry back for four. However, of the three who



Examining documents of a case

policeman from the Cell abused him and extorted money from him. Rita and her two children are now living with Alfred. Her father says Alfred still beats Rita occasionally.

Perhaps the most tragic case is that of Karuna. She was married at the age of 30 in 1983. She complained to the Cell that eight months after marriage, her husband threw her out of the house. In these months, he had made dowry demands, although they had spent over a lakh on the wedding, had abused and beaten Karuna and insulted her family repeatedly. Before going to the Cell, Karuna's family had spent one and a half years unsuccessfully trying to persuade her husband to take her back.

The Cell's attempts to persuade the husband into a compromise also failed. He alleged that Karuna had taken all her jewels with her. The Cell closed the file with the

from them, and that while the Cell police went to Karuna's husband's and his neighbours' homes to take their statements against Karuna, they never visited the natal family's neighbourhood where they would have gotten statements favourable to Karuna.

Karuna's family were desperately anxious that her husband take her back. The brother was not willing to continue supporting her, nor would he let her take up a job, though she is a qualified beautician.

In March 1987, when we visited them again, they told us that they had filed a court case for maintenance and had got an interim order in their favour. Karuna's husband paid Rs 250 a month for two months. He then declined to pay, claiming he was unwell. They said that when the police issued a warrant for his arrest as a

had given jewellery, none got it back.

One of these is Suvira, a young widow, who complained that in the first days of mourning, she was cheated by her in-laws into signing away all her rights over her husband's property. She said after she had returned to her parents, her in-laws refused to give her anything, even her clothes or her MA and B Ed certificates.

After negotiations, the Cell officers advised her to settle for the return of her furniture, refrigerator, and clothing, but not to insist on the return of her jewellery since her in-laws were determined not to return it. She agreed to this.

Her in-laws are Congress(I) workers. When we met them in March 1987, they talked in a very aggressive manner, alleging that Suvira had taken all her jewellery when she left their house, and that she had willingly relinquished her right over her husband's property.

Meena, aged 25, married in 1984, complained to the Cell in April 1986 that her husband and in-laws had snatched away all her jewels, and several times beaten her severely and thrown her out of the house within six months of her marriage.

When we met her, she said that on the first day after marriage, her husband beat her till she lost consciousness and her mother-in-law took all her jewellery. After this, the husband and in-laws used to beat her regularly, sometimes even in the presence of her parents. They forbade her to step out of the house unless accompanied by one of them.

The file records that the Cell's investigations confirmed that Meena's husband and in-laws have a very bad reputation in the neighbourhood, are known to be cruel and to have mistreated both Meena and her husband's first wife, who was similarly thrown out.

Through the Cell's intervention, Meena got back some of the furniture in a broken condition and some of the old clothes. She is now fighting court cases for divorce, for the return of her jewellery and for maintenance. The court has passed an

interim maintenance order, and she is being paid Rs 240 a month. When we met her husband, he expressed his dissatisfaction with the Cell, saying it was biased in favour of women and treated men as offenders.

The third case for return of dowry was that of Chaya, married in 1984. When we met her in August 1986 at the Cell, she complained that her husband beat her, so she wanted a divorce and her dowry back. Her mother said she was determined not to send Chaya back. When we met them again at their home in March 1987, they said that the dowry had been returned to them. They were under the impression that this settlement amounted to a divorce and that Chaya was free to remarry. In this case, no jewellery had been given in dowry.

The fourth case was that of Shanta Devi, who had alleged maltreatment by her husband, refused to return to him and asked for divorce and return of dowry. The Cell closed the file in 1985 with the noting that the dispute had been settled and the dowry returned.

When we met Shanta's parents in March 1987, they were not willing to talk much. But they said they were dissatisfied with the Cell's settlement as they had gotten back only the cheapest part of the dowry, namely, some furniture in broken condition, and a few old clothes and utensils. They too were under the impression that the settlement at the Cell amounted to a divorce.

In the three other cases of the seven who wanted the dowry returned, the cell has so far not gotten any of the dowry back. In one case, we could not meet the woman, Leela, since she has shifted to a distant village. We met her mother-in-law, who alleged that Leela has remarried. She said that Leela's brother, who had filed the case at the Cell, had dropped the case and ceased to appear at the Cell, so the dowry was not returned.

In the second such case, the woman, Mala, aged 24, married five years ago, mother of one daughter, complained that she was regularly beaten, starved, and

harassed for more dowry.

She said her husband beat her with sticks. When she was five months' pregnant, he beat her and caused a miscarriage. She returned to her parents when she got pregnant again. Her husband, who is unemployed, comes and abuses her family and creates a scene. They reported to the local police who summoned him. He ignored the summons. The police then referred Mala to the Cell.

When we met her in March 1987, she told us that when summoned to the Cell, her husband stated that he was willing to take her back. But she refused to go. Her parents are very supportive of her, and want her to get a divorce. When her husband refused to return the dowry, alleging she had taken it with her, the Cell officers promised to take further action against him. He ignored a further summons to appear at the Cell. The Cell then promised to register a criminal case against him. As of March 1987, this had not happened.

The third case is that of Punita, aged 28, married in 1982, mother of one child. In August 1986, when we met her at the Cell, she said her husband drank, gambled, had affairs, did not give her enough money to run the house, and beat her regularly. In March 1986, he threw her out. She wanted a divorce and return of the dowry. Her husband refused, alleging that she had taken the dowry with her.

In March 1987, when we met Punita again, she had found a job. She said her husband was pestering her to return to him, and the Cell too wanted her to agree to this, but she had refused. She was dissatisfied with the Cell's approach, which was inclined towards a compromise when all she wanted was the return of the dowry. We met her husband on the street outside her house. He said he had come to persuade her to give up her job and return to him.

It is noteworthy that in many of these seven cases, the Cell officers tried their best to pressure the woman to accede to the husband's demand that she return to him. Because of the supportive attitude of

their natal families, these women were able to resist this pressure.

Chaya's response to the officer's repeated suggestion that she "return to the matrimonial home" was: "If I do, you can read in the papers that yet another girl has been killed." Her mother backed her up, saying: "Even though we did not get the whole dowry back, I am glad because my daughter's life has been saved." Chaya said the Cell Officer even told her that she must return to her husband because the Cell had decided this.

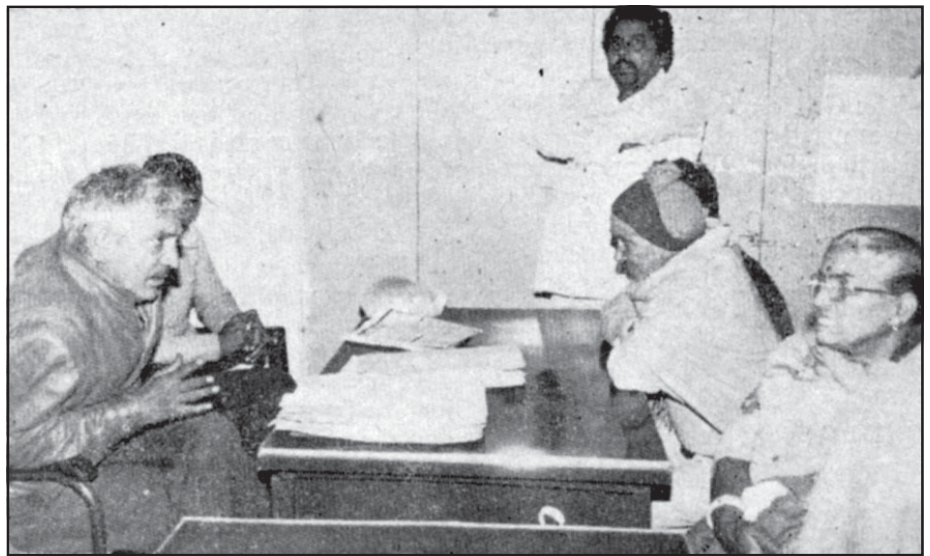
Punita too was unhappy at the way the Cell Officers kept pressing for a "compromise" although she clearly told them she did not think the situation was suitable for one. She says one Cell Officer wrongly informed her that "Your husband can take you back if he wants. It is his right." She says another officer told her: "You should come to a compromise. A man does beat his wife. That happens from time to time."

Punita says that, earlier, when she had gone to the local police, they had given the same advice, using what she called the "sentimental" argument of her child's well being: "How will you educate him on your own? Don't you want him to go to a good school?" She had succumbed at that time, but, later, resisted the Cell's similar arguments.

The Cell officers' final noting in Shanta Devi's case too shows their disbelief of her complaints of maltreatment and their annoyance at her refusal to return to her husband: "Allegations of maltreatment have not been substantiated. It was the attitude of the complainant herself that she could not adjust to her husband. Since the dowry has been restored to the applicant as per her request, no further action is possible."

Cases Of Death

Of the three death cases, one was a joint suicide by the husband and the wife, Gurinder Kaur, within a month of their marriage. When we met her family, they said Gurinder's in-laws had returned the dowry through community intervention, so they had dropped the case at the Cell, which



A session in progress

had been primarily aimed at getting the dowry back.

The second case was the allegedly accidental burning to death of a 20 year old, Mira, within two and a half months of her marriage in 1983. Mira had given a statement that it was an accident. When we met Mira's mother in August 1986, she alleged that they had given a large dowry including a refrigerator, for which they were still paying instalments, and jewellery. She alleged murder, saying that after marriage, Mira was never allowed to visit her natal home for more than a few hours, and that she used to complain about her in-laws.

When we met Mira's father-in-law, he claimed the death was accidental, and no dowry at all had been given. The Cell had closed the case in 1985, saying the allegation of murder could not be substantiated. We felt that this assessment of theirs was correct. The Cell further noted that since the husband had refused to return her dowry her parents could proceed to court for it, if they so desired. The Cell did not explain to the parents that the reason they could not retrieve the dowry through the Cell was that the husband is a woman's legal heir.

The third case was that of Radha, aged 17 when she died of burning within a year of her marriage in 1984. Her grandmother,

who had got her married, alleged that Radha, while in hospital, had told her that her husband had poured kerosene on her and set fire to her. However, Radha had earlier told the police that she had burnt herself. When we met the grandmother in August 1986, she said that after marriage, Radha's husband had demanded a loan of Rs 4,000 from her which she was not able to provide. She said he was unemployed and Radha was unhappy. We also met the neighbours of Radha's in-laws who said that they had broken down the door when Radha was burning inside the room and that her husband was outside at that time. They said she had burnt herself. The grandmother wanted the dowry back for the marriage of the next girl in line.

The Cell closed this case with the noting that there was "no evidence to support the charge of murder" since she had given a suicide statement to the police, and that dowry had not been demanded as "in my view any demand for a loan does not come into the purview of demand of dowry." The Cell did not take any action to get the dowry returned.

Demanding Maintenance

There were two cases of a woman demanding maintenance from her husband. One was Bimlesh, aged 29, married in 1974. After 10 years of married life, her husband

asked her to give him a divorce as he wanted to remarry. When she refused, he began to beat her.

In March 1986, he married another woman. Bimlesh had informed the Cell, the local police and the Patiala House courts in advance, asking them to stop the remarriage, but none of them took any action.

Since then, her husband lives elsewhere with his second wife, and only visits Bimlesh in Mehrauli village to take the milk from his buffaloes. He continued to beat her. She complained to the Cell, demanding that he give her maintenance, or leave his second wife and return to her.

When we met her in March 1987, she said the Cell officers had threatened to put her husband in jail if he beat her. Frightened by this, he had stopped beating her. The second wife and her father came to the Cell and testified that he had remarried. But the Cell could not make him pay maintenance or leave his second wife. The Cell closed the file with the noting that Bimlesh is advised to proceed to court on the bigamy charge.

The final case is that of Kesro Devi, a woman of 46 and mother of four, who, after 30 years of savage maltreatment by her husband, finally began to fight back, with the support of her son. Her husband is a Jat farmer, who owns 11 acres of land on the outskirts of Delhi. According to Kesro, he had a monthly income of Rs 30,000. Her complaint was that throughout her married life, he had beaten her brutally, never given her any money although she toiled on his farm, and had not regularly provided for her and the children. For several years in her early married life, she and the children had stayed with her brother.

She approached the Cell asking for maintenance or a share in her husband's land. She was only willing to continue living with him if he gave her complete control over the income from the fields. In this, she had the support of her 21 year old son who has a job in Delhi, earning Rs 450 a month.

When we met Kesro at the Cell in August 1986 and at her son's house in March 1987, she said she had been forced to leave her husband's house because he was infuriated by her having approached the Cell. She said he had subjected her to sadistic sexual torture and threatened to rip her up with a knife.

She says his retort to her demand was: "I can get 300 bitches like you. You can go anywhere you like, even to Rajiv Gandhi, but I will not give you an inch of land, I will see what power the law has."

She told us that at the Cell, her husband had stated he was willing to take Kesro back but she would have to live "as all wives and mothers live." She said that the subinspector saw this as an offer of reconciliation and repeatedly said to Kesro: "Your husband is ready for a settlement.

What more do you want?" Kesro says she replied: "I have said what I want. What more can I say?"

She said she was sure he would beat her again if she went back: "He will behave the same way. I am convinced of it. My soul is convinced of it. Because it is I who have suffered."

She says the Cell officers seemed irritated by her attitude, did not take down the details she gave of how he had tortured her, and did not give her a copy of her statement though she repeatedly asked for it.

In December 1986, she was told a criminal case would be registered against her husband at the local police station. As of March 1987, she said this had not happened nor had any other action been taken against him. □