



Torture is Abetment of Suicide — Supreme Court Sets New Precedent

ON September 26, 1989, the supreme court passed an important judgement in the case of Ravinder Kaur who had burnt to death in her husband's house after being maltreated ever since she was married seven months earlier. The judgement sets some important precedents. **Geeta Luthra** and **Pinky Anand**, advocates, who argued the case in the supreme court over two years, detail the significance of this judgement, and of another similar one delivered earlier this year.

THE supreme court judgement delivered by Justices B.C.Ray and Sabyasachi Mukharji in the case of Gurbachan Singh versus Satpal Singh and others, paves the way for a new trend in cases of abetment to suicide and physical and mental cruelty towards women. This, and the supreme court judgement of April 1989 in the case of Brij Lal versus Prem Chand, both take into account the domestic contact, wherein women are maltreated, in order to define abetment, and to lay down the standard of establishing guilt beyond reasonable doubt.

These judgements are comparable to the case of Bharwada Bhogambhai wherein the supreme court ruled that in rape cases circumstantial evidence was sufficient to convict an accused. The court held that rape is an offence to which eyewitnesses may be difficult to procure. The rape victim is not to be treated like an accomplice whose testimony requires corroboration. Her statement and circumstantial evidence are sufficient to indict the accused. The entire trend of judicial precedents was set aside by this judgement. The two 1989 judgements extend the new trend to cases of abetment of suicide of women who are driven to end their lives due to maltreatment by husband and in-laws.

In the case of Gurbachan Singh

versus Satpal Singh and others, the court upheld the contentions of Ravinder Kaur's father, Gurbachan Singh, that in cases of suicide by married women, it is rare and improbable for direct evidence to be available, and abetment and instigation of suicide may be established by circumstantial rather than direct evidence.

Ravinder Kaur, in her early twenties when she died, was the daughter of Gurbachan Singh, a sweetmeat seller in a village near Amritsar. She was married in November 1982 to Satpal Singh, a shopkeeper in an adjoining village, Raja Sarsi. She became pregnant a month after marriage.

After marriage, whenever Ravinder visited her parents' house, which is only 15 kms away from her in-laws' house, she told her parents that she was being taunted and maltreated by her husband and his parents, Harbhajan Singh and Kanwaldeep Kaur. They taunted her with having brought insufficient dowry, and said that they had received offers of larger dowries from other families. They also complained that her family had served poor quality meals at the wedding. Worst of all, they repeatedly accused Ravinder of carrying an illegitimate child, and threatened to throw her out of their house.

In April 1983, Gurbachan Singh brought Ravinder back to his house. She

stayed there for eight days. Then, Satpal Singh with his parents and two maternal uncles came to fetch her back. Ravinder was unwilling to go back with them. Gurbachan Singh called Ved Prakash, president of the neighbourhood committee, Rajkumari, a social worker of the neighbourhood, and another neighbour, Ramesh Kumar, in order to work out a deal. In the presence of these three witnesses, Ravinder's complaints were recounted, and her husband and in-laws then verbally promised that in future they would not maltreat her or make any dowry demands. Ravinder was then sent back with them.

For two months, Gurbachan Singh had no news of his daughter, so on June 23, 1983, he sent his two other daughters, Surjit Kaur and Sajinder Kaur, to visit her. On meeting them, Ravinder wept and told them that she was being beaten and maltreated. She said she was being taunted with carrying an illegitimate child and was told that she should die. In the presence of Surjit and Sajinder, Ravinder's mother-in-law abused her.

Two days later, on June 25, at 2.30 p.m., Ravinder suffered third degree burns in her in-laws' house. Her parents-in-law and several others were present in the house at the time. However, she was taken to hospital only after she was already dead, and her parents were informed only at 6.30 p.m. that their



daughter had died. The post mortem showed that Ravinder was carrying a male child.

In the trial court, besides Ravinder's family members, the three witnesses to the negotiations of April 1983 also testified. The neighbours of Ravinder's in-laws refused to testify, except one man who stated that when Ravinder's mother-in-law raised the alarm and neighbours collected, the girl was already dead. Ravinder's in-laws contended that she had been burnt accidentally while cooking. However, Gurbachan Singh stated that on the day she died, Satpal Singh's maternal uncle had come and informed him that Ravinder had committed suicide by pouring kerosene on herself and setting herself on fire.

In 1984, the additional sessions judge convicted Satpal Singh and his parents of abetment of suicide and sentenced them to five years' imprisonment and a fine of Rs 2,000 each. Relying on the oral evidence presented, he pointed out that none of the persons in the house, including Ravinder's mother-in-law, had any burns on their fingers. This suggested that they had made no attempt to save her. They had also delayed raising the alarm and had probably prevented her from moving out of the house until she was fatally burnt. There had been inordinate delay in taking her to the hospital and in informing her parents. He felt that the accusation of carrying an illegitimate child was enough to drive a woman to commit suicide and that the family's maltreatment of Ravinder amounted to abetment and instigation to suicide.

The convicted persons then appealed to the high court of Punjab and Haryana. The high court gave weight to highly technical arguments such as minor contradictions, additions and alterations in the statements of Gurbachan Singh, and, in 1984, acquitted all three accused principally on the ground that there was no evidence that at the time Ravinder committed suicide,

the accused had instigated or abetted her action.

The State did not file an appeal against the high court judgement. However, Gurbachan Singh did not give up. He came to Delhi and filed a private appeal in the supreme court. Taking a sympathetic view of the urgency of the case, the supreme court issued notice instead of admitting the case. The former procedure ensures that a case is disposed of faster.

In reversing the high court decision and upholding the trial court's decision, the supreme court ruled that the "persistent demands of the accused for more money, their tortures and taunts amounted to instigation and abetment that compelled her to do away with her



Ravinder Kaur

life." Since her husband had fully participated in the maltreatment, he too was convicted although he was not present in the house at the time when she died. Thus, the definition of abetment was significantly expanded in accordance with the circumstances of a married woman's life.

The court relied on section 113A of the Indian Evidence Act, which lays down that when a married woman commits suicide within a period of seven years of marriage, and it is shown that her husband and his relatives had subjected her to cruelty, the court may presume, having regard to all the

circumstances of the case, that her suicide had been abetted by those who treated her with cruelty. Although this section was introduced into the Act in 1983, a few months after Ravinder died, the court held that as it is a general rule relating to evidence, it is retrospective in effect.

In an earlier significant decision on the same issue, delivered in April 1989 by Justices S. Natarajan and another, the supreme court held that instigation and abetment must be adjudged in the context of the entire evidence. In this case (Brij Lal versus Prem Chand) Veena Rani, in her midtwenties, and an employed woman, was married to Prem Chand, an ex-policeman now practising law at Sangrur. She had been married for a couple of years. She and Prem Chand were living on their own and no in-laws were involved. Veena Rani had been harassed by Prem Chand for a long time and in 1975 had returned to her parents' home at Patiala for several months. When she was sent back to her marital home, the harassment continued. On September 10, Veena wrote to her mother that Prem Chand was demanding Rs.1,000 to repay a loan on his scooter. On September 14, a day before she died, she again wrote to her mother asking for Rs.1,000 for Prem Chand, and also for money to pay the rent of the matrimonial home. On September 15, 1975, Veena Rani burnt to death when she was alone in the house, Prem Chand having gone out.

The trial court convicted Prem Chand of instigation and abetment of suicide and sentenced him to three years' imprisonment. However, on appeal, the high court of Punjab and Haryana acquitted him. The State did not appeal against this decision, but on a private appeal, the supreme court reversed the high court decision and upheld the trial court's decision. The court held that although Prem Chand was not present when Veena was burnt, the circumstantial evidence clearly pointed to her having committed suicide by burning herself. In one letter to her mother, she had written

that Prem Chand had told her that he did not care if she died, but she had to get money for him.

In both these judgements, the accused had argued that since the two lower courts had come to two different conclusions, two different views were possible. In the past, the supreme court has refused to interfere with the high court decision when two views were possible and the high court had decided in favour of one view. However, the supreme court in the two present judgements held that the evidence showed that no two views were possible; the trial court's view was the only possible view and the high court's view was wrong, hence the supreme court had to interfere and exercise its special powers under the Constitution.

The new precedent set by the Ravinder Kaur case is that here, no written evidence was available whereas in Veena Rani's case, her letters were presented as evidence. In Ravinder Kaur's case, the court relied solely on oral evidence which, in most cases of matrimonial cruelty and violence, is the primary evidence. □

Resident Aliens

All wives are aliens

Wetbacks from every other shore:

Illegal aliens in every land.

Sometimes they give birth

Holding their wombs

Anticipating rewards

That are not theirs

Paying taxes with milk and blood

Free to flow

Once the womb is vacant again.

At the port of deportation

Crowds flock

To see them off

Holding their noses at the

Stink of social miscasting.

Even the tenants of the womb

Stand and watch:

naturals by right.

- Saba Siddique

