

Why Men Commit Bigamy With Impunity

KAMAL is a lecturer in a college. She was married to a doctor and had two children. Five years after the marriage, her husband married a nurse, and settled down with her at another place. Kamal did not file a suit against him. After 12 years, he came back and told her that he loved her. Now this doctor is living with two wives.

Sorbi got married to a professor and had two children. Her husband went abroad for further studies and got married there to an American woman. When Sorbi came to know about this, she left her husband's house and is now living with her parents-in-law. Her husband is now in India, living with his second wife.

A second marriage, when the first marriage is subsisting, is no marriage in the eyes of law. Even if the first wife consents, a man cannot marry again. Section 494 of the Indian Penal Code lays down that a person guilty of bigamy shall be punished with simple or rigorous imprisonment for a term up to seven years, and shall also be liable to fine. Government servants are expressly forbidden to commit bigamy.

But the committee on the status of women in India, during its tours in the states of Manipur, Andhra Pradesh, Madhya Pradesh, Uttar Pradesh and West Bengal noticed that bigamy is still prevalent. Many men commit bigamy and go unpunished.

There are certain loopholes in the law which allow this to happen. Bigamy is not a cognisable offence. Only the wife or her close relatives can file a case against the offender. Uneducated and economically dependent women find it difficult to go to court, particularly when they are under social and familial pressure not to do so.

Further, the law requires the complainant to prove that both the first and the second marriage were valid and were strictly according to law. Since most marriages are not registered, it is very

difficult for the first wife to produce evidence that the second marriage was legally valid. The supreme court laid down in the cases of Bhaurao, 1965, Priya Bala, 1971, and Lingari Obulamma, 1979, that unless it is proved that the essential ceremonies *datta homa* and *saptapadi* were performed at the second marriage, it could not be considered a valid Hindu marriage, hence the offence of bigamy remained unproved.

To prove that these ceremonies were performed is very difficult. The bigamist may deliberately omit one of these rituals and perform the marriage in other customarily accepted ways, such as exchange of garlands. Also, the persons present at the second marriage would be the friends and relatives of the man and his second wife, and they would not be anxious to help the first wife by appearing as witnesses.

Recently, in the case of Ashok versus Usha, 1984, when the woman claimed maintenance from the man but he denied having ever married her, the Delhi high court held that if the parties have been living together, have children or are recognised as husband and wife, there is a strong presumption in favour of the validity of the marriage. It is very difficult to produce evidence of the validity of the wedding ceremony after a lapse of time. Thus, if the fact of having lived together is treated as evidence of valid marriage, it would be easier for a wife to prove the second marriage of her husband.

Also, the intention of the man should be taken into account. Even if all the essential rituals were not performed, the man's intention and attempt to commit bigamy should be punished. If he intentionally omitted certain rituals, he could also be punished for fraud under section 496 of Indian Penal Code. But he should not, in any case, be allowed to go scot free, (for detailed analysis of law on bigamy, see **Manushi** No. 3).

International Women's Day — Late Reports

Ahmedabad

Ahmedabad Women's Action Group celebrated international women's day in a unique way. It put up an exhibition and sale of paintings, terracotta and handicrafts of the coal labourers of Ranip and Asarva and the sweepers of Naranpura. The exhibition, which was on view at the Contemporary Art Gallery from March 8 to 10, was an offshoot of the work that AWAG has been doing in these areas since December 1983. (See **Manushi** No. 27)

A number of indigenous teaching aids prepared by AWAG to suit the needs of the children of these areas were also displayed at the exhibition.

The driving force behind the exhibition was Esther David, well known sculptor and art critic of Ahmedabad.

—**Amina Amin**

Bangalore

Women's Voice, Bangalore, observed March 8 as demands day by organising a mass procession in the city. The rally focused on the needs of women slum dwellers.

The demands included: decent housing and amenities like sanitation, toilets, water, electricity; decent and humane treatment of poor people in hospitals and police stations; ban on injectable contraceptives; welfare bills for workers in the unorganised sector, to provide creches and maternity benefits; banning on liquor shops near slums; provision of resources to Women's Voice to start a research institute to conduct studies on problems of women and children.

Madras

On March 8, Joint Action Council for Women and several other women's organisations held a meeting at Bala Mandir, Madras. The hall was packed with about 600 women, some of whom had travelled from as far away as 200 miles. The proceedings were conducted in Tamil.

A charter of demands was discussed, finalised and accepted with enthusiasm. The main demands were inclusion of the right to work as a fundamental right in the Constitution ; equal opportunity and wages for working women; ban on retrenchment, of women; policy to increase numbers of women in the organised sector and to ensure minimum wage and labour benefits for women in the unorganised sector; creches in all workplaces; working women's hostels; uniform civil code; equal inheritance rights; family courts; a new dowry act; incentives for intercaste marriages; timebound programme to eradicate



illiteracy among women; control of liquor sales; provision of toilets, water, health care in all areas; stem action against commercialisation of women ; increased representation of women in legislative bodies and *panchayats*; women's committees to be set up at district level to receive complaints of injustices against women.

A karate demonstration, a classical dance on Shakti and a puppet show stressing the need for registering every marriage were put up. A play by rural women focusing on the work problems of women in rural areas was a moving experience. The Joint Action Council has brought out a pamphlet on the need to register one's marriage, giving addresses of all the temples and registrars who can register marriages.

— **Shashikala Anand**

From The Bridal To The Pyre

—Vasudha, One of Many

Vasudha Dheer was married to Rakesh Lamba on December 9, 1984. On January 31, 1985, she was found dead, shot through the head, at her in-laws' residence, 62 Khan Market.

We met Vasudha's parents, husband and in-laws, and heard their accounts of the events preceding Vasudha's death.

Vasudha, aged 21, was a BA, BEd. In the words of her father, R.P. Dheer, a section officer, she was "both son and daughter" to her parents. Rakesh's sister lived near their house and became friendly with Vasudha. Rakesh proposed marriage to her but her parents were averse to the idea since they are simple, nondrinking, vegetarians whereas the Lambas are smokers, drinkers and live in a different style. After Vasudha's death, they found that Rakesh had even been convicted once on a drinking and gambling charge. However, since the Lambas avidly pursued them for over a year, they reluctantly yielded.

According to the Dheers, the Lambas said they wanted only Rs 1.25 at the engagement ceremony and no dowry. But once the match was finalised, they began to make one demand after another. They insisted that the engagement and the wedding ceremonies be at a five star hotel. At different times, they also demanded various things including a diamond ring, a sofa costing Rs 13,000 and a bed costing Rs 3,000. Mr Dheer was reluctant to accede to these demands which he could not afford to meet. But in spite of his protests, he was compelled to spend a total of Rs 175,000 on the dowry and the wedding, with the help of his sister and brothers.

The couple went to Simla for their honeymoon. On their return, Vasudha told her mother that Rakesh used to go out all day and she used to sit in the hotel, crying. When they went to Chail, he said : "What if I push you down from this rock ?" Vasudha's parents say that

she looked depressed.

In mid January she told them that her husband might need Rs 125,000. Mr Dheer said it was impossible for him to collect so much money.

On January 30, Mr Dheer visited Vasudha. He was not allowed to speak to her alone. The next day, at 1 p.m., he was informed of her death which, according to her in-laws, had taken place at 9.30 a.m.

When the Dheers reached the Lambas' house, they saw Vasudha lying on the bed, with legs crossed, arms at her sides. There was no sign of disturbance in her limbs, clothing or bedding. There was just one small hole in her temple and hardly any blood. The Lambas said that the bullet had gone through her head, but there was no wound on the other side of her head nor could the bullet be found. There was some blood and hair on a wall at an angle where it could not have reached had she been shot on the bed.

The Dheers also say that the first



Vasudha before marriage

explanation the Lambas gave of Vasudha's death was that she committed suicide because she saw Rakesh smoking. When it was pointed out that she knew of his smoking before she agreed to marry him, they changed their story. When asked how a girl who had never handled a revolver could have executed such a flawless shot, they said that perhaps she had seen her father-in-law showing the revolver to his grandchildren. Vasudha's parents allege that they heard Lamba tell the policemen that his fingerprints might be on the revolver, and that the police told him not to worry about that.

They also allege that the house was filled with policemen who were hand in glove with the Lambas. The police registered a case of suicide and compelled Vasudha's parents to give their statements immediately, before they had time to recover from the initial shock. They also tried to record the statements inaccurately. For instance, Mr Dheer said Vasudha was a "sensible" girl but the police took the word down as "sensitive."

An undated, unsigned, incoherent suicide note was shown to Vasudha's parents. It does not give any reason for the suicide. Instead, it is in the nature of a character certificate for the Lambas. It says: "My parents-in-law are very very excellent people. My husband loves me a lot, he is noble, I take him as GOD. This place is very heaven." The language of this note is ungrammatical whereas Vasudha was fluent in English. The Dheer family spent that whole day rushing from one authority to another, trying to get a second post mortem performed since they suspected the first one was rigged.

Without informing the Dheers, the Lambas rushed the body to the cremation ground. When the Dheers reached there, it was on the pyre and was surrounded by policemen. The Dheers were hopelessly outnumbered by the Lamba family and their relatives who according to them, showed no sign of sorrow. The police were openly rude and nasty to the Dheers. The investigating officer said; "Girls commit suicide and you say it is murder."



Yasudha and Rakesh Lamba on their wedding day

The Dheers allege that Rakesh's family have given huge bribes and have made use of their connections to save themselves. P.L. Lamba, Rakesh's uncle, is the proprietor of Kwality ice cream. The Dheers allege that he has made threatening phone calls to them.

The Lambas, on the other hand, tell a different story. Rakesh says he proposed marriage because when he saw Vasudha he "liked her as one suddenly likes something. It doesn't make a difference whether it's cotton or terrycot You like it."

They deny having asked for any dowry and claim that they were given only two suits for Rakesh, one steel almirah and some utensils of "inferior" quality. They say that the sofa was given against their wishes and that it does not match the decor of their drawing room. They say that they had to distribute sweets and money to their relatives since the Dheers failed to do so.

They insist that Vasudha was a "nice girl" and she was "very happy" with them. She was "fine" on January 30 and 31.

They allege that at 8.15 on January 31, she talked on the phone with the door closed. They do not know anything

further about this call but on this basis they presume that she must have had an earlier affair with some man who was blackmailing her.

They say that Rakesh and his mother had gone out but his father and the servants were in the house. They claim to have heard the shot but thought it was "a bucket falling." This is when Mr Lamba is a practised shot, and it was his revolver with which Vasudha was killed.

Rakesh said the delay in informing Vasudha's parents of her death was because he did not know their phone number nor did he know where Mr Dheer worked. He says that until the wedding cards were printed, he did not know his father-in-law's name.

The Lambas did not show any sign of grief or bereavement. They say they feel bitter because Vasudha's parents have pursued the case so determinedly. However, the Dheers could not hold back their tears each time they narrated the story of how their daughter died.

A police officer investigating the case told us that there is ground to suspect that Vasudha died much before 9.30 a.m. The case has been transferred to the CBI for further investigation.

—Minakshi, Charu