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## When the boot is on the other foot

Abuse by daughters-in-law is also a punishable offence. **Dola Mitra** reports

This is an unusual case," observes inspector Nanda Dulal Paul, officer-in-charge, Alipore Police Station, flicking through the pages of an old office diary on his table. He has come across hundreds of complaints of torture against in-laws by women. But a father committing suicide because of harassment by a son and daughter-in-law is a "very rare" occurrence, he says, shaking his head.

On April 28, 2005, 64-year-old Ranjit Chakraborty of 15/3 Pitambar Ghatak Lane, Calcutta, allegedly killed himself, unable to bear the "torture" meted out to him by his son and daughter-in-law. His wife, Anjali, found him hanging from the shower pipe in the bathroom. In his shirt pocket, a "suicide note" was found, which blamed his son, Partho, a 42-year-old employee of a private firm, and daughter-in-law Litu, a 35-year-old housewife, for not leaving him with any other alternative but to take his own life.

Chakraborty's alleged suicide has triggered an important question: was taking his own life the only way out? Chakraborty might have thought so.

The suicide note has raised questions about the legal provisions available to people like him. It says, "If a housewife is tortured by her husband or in-laws there is the Indian Penal Code's Section 498A to save her. But what law is there if a father-in-law is tortured by his son and daughter-in-law? If there is no law, it is better to frame one to punish the offender."

While agreeing that cases of daughters-in-law being harassed by the husband's family are more common, legal experts admit that there are no laws that are as stringent as the provisions of 498A to deal with the issue of abuse by in-laws.

Says Ranabir Mahapatra, vice-president of the Retired Judge's Association of West Bengal, "The country's legal system is well-equipped to provide protection to a married woman against any kind of physical or mental cruelty in conjugal life by way of the IPC's Section 498A." When the latter is invoked, a person booked under it is subject to immediate arrest. It is also a non-bailable and non-compoundable offence. This means the person, against whom the allegation of torture has been made, cannot be granted bail at the primary police custody level. Neither can the case be easily called off or settled out of court without the intervention of the court. "Without going into debates about whether or not it is necessary to incorporate legal provisions of equal severity to bring daughters-in-law to book, as things stand, harassed in-laws have to take recourse to other sections of the IPC for justice," says Mahapatra.

And there are plenty of alternatives to suicide, assures Joymalya Bagchi, a criminal lawyer at Calcutta High Court. "There are different legal options for timely intervention," he says. "Of course, unlike 498A these are more general and applicable to everyone. The section that can be invoked depends on the type of harassment under consideration," he explains.

Section 506 of the IPC, for instance, pertains to "criminal intimidation" of a person. Explains Bagchi, "If any person, say a daughter-in-law, threatens a parent-in-law with criminal intention, she is liable to be booked under this Section." Section 384 deals with extortion and attempts to



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prevent a person from illegally extorting money or property from another.

Sections 323 to 326 of the IPC deal with any kind of physical assault and can be invoked by anyone. Unlike 498A, 304B (dowry) or 113A (abetment to suicide of a wife), it is not specific to any particular gender or category. And the punishment is strict. The punishment under 325, for instance — which deals with “voluntarily causing grievous hurt” — is seven years’ imprisonment and a fine. As for 326, which is to be invoked for “voluntarily causing grievous hurt with weapon”, the punishment is 10 years’ imprisonment as well as an unspecified fine.

Chakraborty’s own case, of course, has been filed under Section 306 of the IPC, which is the Abetment to Suicide Act. Bagchi points out, “Harassment per se is not enough ground for booking a person under this Act. When harassment is calculated to incite a person to commit suicide this Section is applicable.”

Lawrence Gomes, chief police prosecutor in Calcutta, says the line of defence varies from case to case. It is not uncommon for the defence to plead “not guilty” to charges of harassment, he says. But if harassment is established in court, the next line of defence often is that the accused had no intention of inciting the suicide. “But this particular case is still in its nascent stages,” Gomes says.

The police investigation is not yet complete. Partho and Litu, who were denied bail, are in jail custody. “The court is awaiting the post mortem report, which will determine whether or not it is a case of suicide,” he says.

At this stage, the police prosecutor feels nothing can be ruled out, not even murder.



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