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**SC: Dowry not always linked to suicide**

Dhananjay Mahapatra

[ Monday, December 12, 2005 12:43:06 am TIMES NEWS NETWORK ]

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If a woman commits suicide in her matrimonial house within seven years of marriage, stringent provisions of Section 498A of the Indian Penal Code assuming cruelty to her against in-laws get automatically attracted, and rightly so.

If the victim's parents recount dowry harassment, then the case gets stronger. But not in all cases is there a link between cruelty or harassment, which could have been meted out to her at some point of time in the marriage, to her suicide.

Would it then be prudent to assume the link in each and every case, as the prosecution invariably does?

The Supreme Court on Friday said a precise 'no' to such a generalisation. It said the prosecution could not assume the guilt of the in-laws in each and every case without providing evidence of a "live link" between the two ingredients — cruelty and death. There is a minuscule number of in-laws, who have been harassed under provisions of Section 498A and anti-dowry laws. The SC judgment in the case Harjit Singh vs the State of Punjab would help this minuscule of in-laws to breathe a little easy.

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Jasbir Kaur (23) allegedly committed suicide by consuming poison at her matrimonial home at Bhatinda, within two years of her marriage to Harjit Singh. Her brother-in-law was in Ludhiana at the time of her death and the parents-in-law were residing in Ferozpur.

On the complaint of her father, who also claimed that there had been dowry demands during his daughter's lifetime from the in-laws, the police booked the husband and the mother-in-law.

The trial court held the husband and mother-in-law guilty of dowry harassment and driving Jasbir Kaur to suicide.

The Punjab and Haryana HC, without discussing the merit of the case against the husband upheld his conviction but acquitted the mother-in-law, propounding a theory that the SC found her to be unrelated to the case.

Acquitting the husband, the apex court said the prosecution has not produced any evidence to show that Jasbir Kaur was subjected to any cruelty or harassment between April 1988, when she came back from her parental house, and July 26, 1988, the date when she allegedly committed suicide.

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A presumption for causing death for dowry would arise only if the prosecution is able to establish a link between the cruelty meted out to the victim and the suicide, a Bench comprising Justices S B Sinha and P P Naolekar said.

Applying the test of proximity, the Bench said normal implication is that the interval should not be much between the cruelty or harassment concerned and the death in question.

"There must exist a proximate and live link between the effect of cruelty based on dowry demand and the death concerned.

If the alleged incident of cruelty is remote in time and has become stale enough not to disturb the mental equilibrium of the woman concerned, it would be of no consequence," said Justice Sinha, writing the judgment for the Bench.

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